

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**  
**APRIL 18, 2005**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBANDALE, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on Monday, April 18, 2005 in the Ingram Office Building, Urbandale, Iowa.

### MEMBERS PRESENT

Kathryn Murphy  
Darrell Hanson, Chair  
Terrance Townsend  
Jerry Peckumn, Vice Chair – via conference call  
Heidi Vittetoe, Secretary  
Donna Buell  
Lisa Davis Cook – arrived at 10:15  
Lori Glanzman  
Francis Thicke

### MEMBERS ABSENT

### APPROVAL OF AGENDA

Add: 11:00 Appointment – Item 14b – Referral of CDI, LLC  
Add: 11:30 Appointment – Item 14c – Referral of Richard Juhl

*Motion was made by Terry Townsend to approve the agenda as amended. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS AMENDED**

### APPROVAL OF MINUTES

*Motion was made by Terry Townsend to approve the March 21, 2005 minutes as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Liz Christiansen said that the Director will be joining in later today.

Three bills were signed by the Governor last Friday.

HF291 – An Act relating to accounts and fees under the Water Quality Protection Fund.  
HF759 – Deer Bill – whitetail hunting preserves on docket for Ways and Means

HF399 – An Act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

HF 602 – An Act relating to the collection, transportation, and disposal of household hazardous waste.

A meeting will be held today at 3 PM regarding the Water Quality Initiative. A proposal for \$50 million over 10 years for watershed protection projects – Iowa Values Fund.

Jeff may update on the Waubonsie State Park expansion in southwest Iowa.

The Commission Effectiveness Workshop for the Natural Resources and Environmental Protection Commissions will be held on May 10<sup>th</sup> from 10-4:30 and May 11<sup>th</sup> from 8:30 -4:30 at the Des Moines Waterworks facility located on 2201 George Flagg Parkway off of Fleur Drive.

<b>INFORMATIONAL ONLY</b>
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**CONTRACT AMENDMENT – GREENMAN TECHNOLOGIES– BEE RITE TIRE DISPOSAL ABATEMENT IN RHODES, IOWA**

Jeff Geerts, Program Planner in the Energy & Waste Management Bureau presented the following item.

The Department requests Commission approval of a contract amendment in an amount not to exceed \$960,000 with Greenman Technologies to complete abatement of the Bee Rite Tire Disposal in Rhodes, Iowa.

Approval of this contract will allow the contractor to complete the abatement started at this site in November 2004. Abatement of the remaining tire materials will eliminate mosquito breeding grounds, eliminate the health, safety, and environmental impacts of a potential fire at this site, remove an eyesore close to the Rhodes town center and provide an opportunity for positive redevelopment of the property.

The money for this project comes from the Waste Tire Management Fund that receives 20 percent of a state five-dollar surcharge on the issuance of a certificate of vehicle title.

Greenman Technologies is an experienced and skilled scrap tire pile abatement contractor with facilities and operations across the United States including Iowa's largest scrap tire processing facility in Des Moines. Greenman Technologies has completed several previous abatement projects for the state and was selected for this project via a competitive bid process.

Since November 2004, Greenman has removed more than 8,800 tons (880,000 passenger tire equivalents) from the Bee Rite Tire Disposal sites in Rhodes and State Center. Pictures of the clean up to date are provided on page two of this brief.

Due to the magnitude of the clean up, availability of funding and the need to make sure a large influx of tires from this project does not flood scrap tire markets, it's anticipated that the remainder of this abatement project will be completed by December 31, 2005.

The Department requests Commission approval of a contract in an amount not to exceed \$960,000 with Greenman Technologies to complete abatement of the remaining 700,000 to 1 million tires at the Bee Rite Tire Disposal illegal tire stockpile in Rhodes, Iowa.

Before and after pictures of the tire site were distributed to the Commissioners.

*Motion was made by Terry Townsend to approve the contract as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **SOLID WASTE ALTERNATIVES PROGRAM CONTRACT – PRODUCT STEWARDSHIP INSTITUTE**

Theresa Stiner, Environmental Specialist in the Energy & Waste Management Bureau presented the following item.

The Department is seeking approval to enter into a contract, not to exceed \$25,000, with the Product Stewardship Institute for the purpose of facilitating a national dialogue and coordinating several projects addressing the growing and constant problem of leftover paint.

Since December of 2003, the Product Stewardship Institute (PSI) has facilitated a national dialogue aimed at reducing the generation of leftover paint, while increasing reuse and recycling opportunities. With the support of [dialogue participants](#) from over 50 companies, industry associations, and government agencies including the Department, these discussions resulted in a [Memorandum of Understanding \(MOU\)](#). The MOU is a bold agreement among partners with varying views on how to manage leftover paint in a way that is both cost effective and protective of the environment. The MOU outlines work on 11 projects over the next 18 months that will become the basis for developing a nationally coordinated paint management system.

The attachment provides a brief description of the 11 projects contained in the MOU signed by the national dialogue participants. Together these projects total \$1.2 million dollars needed to develop a national paint management system.

The contract presented for approval outlines the Department's role in this national program and establishes deliverables that will provide necessary information for the Department to establish more effective local programs in this area. Specifically the contract addresses the duties of the contractor and provides funding for the following:

- Conduct quarterly Steering Committee meetings.
- Conduct semiannual full dialogue meetings.

- Provide oversight and coordination for the projects outlined in the attachment.
- Coordinate workgroup conference calls.
- Provide regular updates to dialogue members.

At this time, the Department is requesting Commission approval to enter into a contract with the Product Stewardship Institute to facilitate the national dialogue and coordinate the 11 projects specifically dealing with the reduction, recycling and reuse of leftover paint.

## **EDUCATION PROJECTS**

Leftover Paint Management Guidance for Consumers - National dialogue participants developed a one-page guidance for consumers on how to manage leftover paint. However, before any large-scale campaign is developed to disseminate the guidance document, this project will test the effectiveness of the message and various communication techniques. This project includes hiring a contractor that specializes in social marketing to develop and implement a pilot project to determine the extent to which consumer behavior can be influenced, and leftover paint reduced, by educating consumers using the Leftover Paint Management Guidance For Consumers.

Public Education Survey and Analysis - A consultant will be hired to develop, disseminate and analyze a survey to identify why consumers over purchase paint, determine differences between consumers and painting contractors that overbuy versus those who buy the right amount. Following analysis of the survey, the consultant will recommend educational strategies to reduce leftover paint.

## **INFRASTRUCTURE PROJECTS**

Paint Reuse Primer - One of the issues identified during the dialogue was that managers of household hazardous materials (HHM) facilities often do not know how to add a paint swap to their program. It was also clear that the existing documents developed by various entities on how to start paint reuse swaps were outdated and incomplete. Since the PPSI group determined the most cost effective and highest and best use for leftover paint is to reuse it as paint, they decided to consolidate and update these resources into a single document called a *Paint Reuse Primer*. The *Primer* will be a comprehensive manual on paint reuse opportunities for states, municipalities, non-profit and/or other material reuse organizations, and other businesses and consumers. The goal of this project is to encourage HHM collection programs to start and/or expand paint reuse opportunities to maximize reuse and reduce paint management costs. There will be a significant outreach component once the *Primer* is completed.

National Infrastructure Model - One of the key issues inhibiting a discussion on a nationally coordinated paint management system is the fact that there is no research available that assists decision makers in determining what the most cost-effective system is to collect and manage leftover paint. This project will take the results from other projects completed such as the *Paint Reuse Primer*, leftover paint age study, leftover paint quantity study, percentage of recyclable paint survey, and other infrastructure projects being conducted outside of the dialogue, and analyze them to determine the most efficient infrastructure system. The project goal is to develop a report, which includes a model on how to establish a national infrastructure for paint management that will efficiently and effectively collect and manage leftover paint.



Infrastructure Cost Analysis - This project will determine the cost to implement the Infrastructure Cost Model over a 5-year period on a national scale. The consultant will conduct a detailed analysis of the costs of implementing the National Infrastructure Model, which includes collecting, reusing, consolidating, transporting, recycling, and disposing leftover paint, as well as capital and administrative costs.

## **MARKET PROJECTS**

Recycled Paint Market Development Strategy - During the course of the dialogue participants determined the need to stimulate demand for recycled paint by developing and implementing a market development strategy. The strategy will target those agencies and organizations having significant influence over high-volume paint purchasing or specifying decisions to encourage purchasing of recycled paint.

Recycled Paint Marketing Guide for Distributors -The goal of this project is to increase the volume of recycled paint sold to consumers by developing a flexible and adaptable comprehensive marketing guide for both public and private recycled paint distributors, targeting a variety of market segments (e.g., homeowners, painting contractors, government agencies, non-profits, export). Producers of recycled paint have found it a very difficult to sell recycled paint due to the need to spend time educating buyers as to what the paint is, quality, and performance. The Guide can be used by existing and future manufacturers of recycled paint to overcome the barriers to selling recycled paint.

Recycled Paint Certification System - One of the most important projects identified by the national dialogue group is the need to develop a set of guidelines regarding recycled paint contents and performance. Equally important is developing a national system for certifying specific recycled paint products to assure potential buyers and others involved with paint procurement of the quality and safety of recycled paint.

## **OTHER PROJECTS**

Health, Safety and Environmental Regulatory Considerations for Paint - This project is necessary in order to ensure that existing and future recycled paint manufacturers have a complete list of the various health, safety and environmental regulatory considerations that must be complied with in the manufacture of paint. The project will also identify what, if any, barriers the regulatory considerations present to the manufacture and sale of rebled or recycled post-consumer content latex and solvent-based paint. If barriers are identified, the team will work to reduce the barriers. The product will be a white paper that existing or new recycled paint manufacturers can use to ensure full compliance with existing requirements.

Financing System Research and Model Development - This project is critical to any future discussions of a nationally coordinated management system. The PSI team with support from national dialogue participants will research various transitional and long-term financing models and evaluate their potential application for the financing discussions.

Lifecycle Balance of Costs and Benefits for Managing Leftover Paint - This project is a study to determine and prove scientifically the environmental costs and benefits of various management options of leftover paint. The project will identify and quantify the relative socioeconomic lifecycle costs and benefits of leftover paint management,

including human, natural, and economic resource use. This project will seek to determine the net balance lifecycle benefit to society from the various management options, ranging from simple drying/solid waste disposal, to reuse and recycling.

*Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Terry Townsend. Roll call vote went as follows: Jerry Peckumn – aye; Lisa Davis Cook – aye; Lori Glanzman – aye; Darrell Hanson – aye; Heidi Vittetoe – nay; Donna Buell – aye; Terry Townsend – aye; Francis Thicke – aye; Kathryn Murphy – aye. Motion carried.*

**APPROVED AS PRESENTED**

**SOLID WASTE ALTERNATIVES PROGRAM CONTRACT: SOLID WASTE WORKSHOP FACILITATOR**

Tom Anderson, Environmental Specialist Senior in the Energy & Waste Management Bureau presented the following item.

The Commission is requested to approve the contract for services between the Department and Shaw Environmental, Inc. The contract amount is not to exceed \$36,000 for the period April 19, 2005 through June 1, 2005. This expenditure will result in the development and facilitation of two workshops to discuss the environmental and economic impacts to local officials in closing an existing landfill, or expanding existing landfills to meet state and federal regulations.

Many landfills in Iowa must face the possibility of a transition to a RCRA Subtitle D compliance. Currently, only 21 of the state's 59 operating municipal solid waste landfills are equipped either with composite or alternative liners that comply with RCRA Subtitle D regulations. At least four additional landfills either have or are in the process of adding cells that also meet the Subtitle D requirements. This leaves as many as 34 active landfills in the state that must either develop new disposal capacity with adequate liner systems or close within the next 2-4 years.

To assist in this transition, the Department is entering into this contract to develop and facilitate two workshops to discuss the environmental and economic impacts to local officials in closing an existing landfill, or expanding existing landfills to meet state and federal regulations. The workshops will take place at a central Iowa location (Des Moines Metropolitan Area), and will be comprised of a total of 100 to 125 local officials responsible for solid waste planning, permitting, and operation, who are looking to gain a better understanding of the impacts of meeting future state and federal solid waste regulations.

A sample list of work items the Contractor will perform include, but is not limited to:

- ♦ The first workshop will be held on May 17, 2005, and will focus on providing attendees with tools to analyze the expected cost of design, construction and operation of a RCRA Subtitle D compliant landfill in Iowa.
- ♦ The Contractor will be responsible for workshop logistics, such as audio/video requirements, workshop materials, and presenters.
- ♦ The Contractor will be available for phone consultation with workshop attendees to provide with further opportunity for analysis/discussion of their individual circumstances.
- ♦ The second workshop will be held on June 1, 2005 and will focus on addressing how the decision to comply or not to comply with RCRA Subtitle D can impact other parts of a planning area's integrated solid waste management system.
- ♦ Contractor shall submit a final report describing all activities performed, results obtained, and supporting data, in addition to a detailed and documented description of all costs and expenses for the project.

The Bureau mailed copies of the RFP to consultants on our mailing list, made the RFP available on our web site, and advertised the RFP in the Des Moines Register for two days. Three proposals were received. A review team consisting of four Bureau staff and two private consultants reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, and budget.

In an effort to avoid any conflict of interest, real or perceived, eligible applicants were limited to those entities that had not provided solid waste permitting/planning services in Iowa within the last three years.

**Three eligible proposals were received and evaluated from:**

Shaw Environmental, Inc.	St. Charles, IL
RW Beck	St. Paul, MN
Stark Consultants, Inc.	Urbana, IL

After reviewing the proposals, the review committee selected Shaw Environmental, Inc. The reasons for the selection were:

- ♦ Shaw Environmental, Inc.'s extensive knowledge and experience in providing design and permitting services on hundreds of Subtitle D compliant landfills in the Midwest. Additionally, they have experience in facilitating workshops for state and local governments regarding compliance with federal solid waste standards.
- ♦ Shaw Environmental, Inc.'s understanding of our target clients will be beneficial in conveying concerns with various approaches to Subtitle D compliance, while also being able to facilitate discussions from individuals with differing perspectives.
- ♦ Shaw Environmental, Inc. proposed a clear approach to accomplishing the meeting requirements outlined in the RFP, while offering suggestions to improve meeting facilitation and overall impact of materials/discussions presented.

At this time, the Department requests Commission approval to enter into a contract Shaw Environmental, Inc. to develop and facilitate two workshops to discuss the environmental and

economic impacts to local officials in closing an existing landfill, or expanding existing landfills to meet state and federal regulations.

*Motion was made by Donna Buell to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PUBLIC PARTICIPATION**

**CHRISTINA GRUENHAGEN**, representing Iowa Farm Bureau submitted on the following comments regarding Item 10 – Amendments to Chapter 65 and Item 11 – Amendment to Chapter 65.17.

Chris thanked the four outgoing commissioners (Lori Glanzman, Kathryn Murphy, Terrance Townsend and Heidi Vittetoe) for their public service, their professionalism, their commitment to improving the environment and realistic expectations.

Item 10 contains several modifications to current rules which will have an impact on both confinement operations and open feedlots (in a separate rulemaking). Item 2 of the proposed rule is especially troubling. The language of the rule lacks definition and created confusion for farmers who may or may not need to apply for a construction permit. The department failed to adequately address these issues after the public comment period. Additional guidance is needed to provide producers with some indications of the department's expectations.

This haze of uncertainty will make it necessary for farmers to seek you out for declaratory rulings and written commitments every time they make an operational change, including such things as changes in animal genetics or feed rations. It will also require a definitive ruling for every small crack repair or other maintenance activity. I'm sure you would agree that operational changes and the repair and maintenance of buildings and manure storage structures shouldn't be slowed by layers of paper work. Instead, we would all agree they should be done fast enough to reduce the risk to water quality or improve the economics of the farm operation. The additional bureaucracy created by this rule adds paperwork, not protection.

At the least, the impact of this rule voluntarily increases the workload of the department and county boards of supervisors at a time when both complain of a resources shortage. At the most, it will require frequent construction permit applications to be reviewed by several sections of the DNR and county boards of supervisors. We ask for clarification of both item 2 in agenda item 10 and its interpretation.

We are disappointed with the final proposed language<sup>4</sup> of Agenda Item 11. Adding paperwork does not improve the environment, it merely clears the forest. We maintain that the department lacks authority to regulate either commercial fertilizer applications or crop farmers. But first, and foremost, livestock farmers should not be held responsible for someone else's actions.

Finally, much has been communicated in the press and to this commission concerning the impact of the ruling by the Federal Court of Appeals for the 2<sup>nd</sup> Circuit on the federal CAFO rule and the DNR's implementing regulation. The federal Environmental Protection Agency has yet to determine how it is going to interpret, respond to or implement the directives of that ruling. It's simply premature to talk about how the Clean Water Act should be implemented in accordance with that decision, when the requirements are still being defined. We urge you to wait until the EPA completes its work on the Clean Water Act before DNR jumps ahead with implementation for Iowans.

**CHARLES SMITH**, citizen from Coon Rapids said that they are inundated by hog facilities. I know for this fact that manure was spread in the fall and spring on the field across the road from where I live. They are putting too much phosphorus on these lands. If you go to nearby streams, there is no aquatic life left. Kids cannot play in contaminated streams or even be outside because the odor is so strong.

**PETE HAMLIN**, from MidAmerican Energy thanked the outgoing Commissioners. In all of the 30 years of attending EPC meetings this has been the best commission. You have faced many difficult decisions over the years. You can also tell that you have good background knowledge on the issues being addressed. Thank you!

**MARTY BRASTER**, from the Rathbun Regional Water Association (RRWA) in Centerville addressed item 13 –Clean Water SRF – 2005 Intended Use Plan Fourth Quarter Update. On behalf of our water use department, we would like to express our support for the targeted Rathbun Lake watershed sponsored project. John Glenn, Executive Director of RRWA submitted a letter regarding the Clean Water SRF. Partners working on Rathbun Lake applaud DNR's efforts to implement approaches that make additional resources available for water quality protection in Iowa through the Clean Water SRF. Other approaches such as the onsite wastewater assistance program and the livestock water quality facilities program, which are types of created approaches apart of the recommendations that resulted from the Governor's Water Quality summit in 2003. Funds that could be made available to water quality protection efforts such as ours at Rathbun through the clean water SRF sponsorship program can help us leverage finds from other sources. I think it's also important to point out that we have seen community awareness of water quality issues.

**MIKE BLASER**, representing Iowa Select Farms, Oakview Farms, Cedar Valley Farms, ProPork and others addressed item 10 - Final rule – Chapter 65 amendments and item 11 – Final Rule - Chapter 65.17 amendments.

Item 11 involves requiring livestock producers to go and get commercial fertilizer estimates from their neighbors. This will increase the bias against using manure vs. commercial fertilizer. I don't understand the reasoning to do this.

In the responsiveness summary, the DNR uses the assumption that livestock producers always have the option to go find other fields if the local crop farmers do not want to cooperate in turning over their confidential records.

Item 10 – now we have construction permits for facilities that are not going to undergo any construction. I do believe the staff made some effort to improve however, I believe it's difficult to defend requiring construction permits where there isn't actually construction. The fact that the department sites nearly to its general authority to adopt such rules should be an indication as to what thin ground you are on when you do that.

I think that outstanding the departments comments, you have now left the whole category of pre-April 29, 2002 facilities in limbo. They are not covered in the language of this rule, that ties only to construction permits. It's completely unaddressed and those producers will have no idea how they are suppose to comply with this rule. For those reasons, I think this rule should go back to the drawing board.

**LINDA KINMAN**, representing the Iowa Association of Water Agencies thanked the outgoing Commissioners on their efforts and then submitted the following comments:

The Iowa Association of Water Agencies (IAWA) supports additional funding for watershed protection and the concept of sponsored projects, but we ask Commissioners to use caution in the awarding of state revolving loan funds (SRF) for these types of projects. While a perceived surplus exists today it has been difficult to confirm what is and what is not available funding.

Please consider:

1. Some indications are that federal funding of the SRF program may be decreasing in the future.
2. Allowing no interest to be returned to the program could jeopardize the sustainability of the fund. In the *Iowa Policy Project Report, Effectively Using Clean Water State Revolving Fund Program to Improve Water Quality in Iowa* it states, "One drawback to Ohio's program is that the low interest earnings may affect the sustainability of the program. On occasion, it has been necessary to allocate more money because of cash flow problems."
3. There are wastewater utilities in need of upgrading or replacement due to aging infrastructure and their inability to meet regulatory requirements. There are over 600 unsewered communities in Iowa and many inadequate or failing septic systems.
  - a. The Department of Natural Resources (DNR) last estimate (1996) indicates that over \$800 million will be needed over the next 20 years for wastewater infrastructure in Iowa.
  - b. In a report from US Public Interest Research Group (PIRG) in 2004 entitled *Troubled Waters: An Analysis of Clean Water Act Compliance* it states, "...it was found that more than 71% of industrial and municipal facilities all over Iowa discharges more pollutants than allowed in their CWA permit limits between January 2002 and June 2003. This makes you wonder, are permits being aggressively enforced, which would require systems to come into compliance and generate more demand for loan funding?"
  - c. While there are numerous funding sources for watershed protection programs (Section 319), Targeted Watershed Program, several agricultural programs including the new Farm Bill, Conservation Reserve Program, etc) but there is limited funding for meeting infrastructure needs.

4. Some projects have remained on the Intended Use Plan for many years, which does not allow the designated funds to be freed-up for future projects. This can be due to numerous reasons, such as waiting for other funding sources, design changes, etc.
5. Small Communities are discouraged from applying for loans unless their project is greater than \$100,000 and they find the application process to onerous.
6. Some drawbacks to the SRF program are:
  - a. The loan approval process is too burdensome especially for utilities with limited capacity. This process can also impact the utility's ability to meet project deadlines.
  - b. The application form is the same form a utility files when bonding, the forms are not traditional loan agreements. So the community may opt to do their own bonding.
  - c. All funding is paid after the fact, which usually requires the utility to acquire some type of interim financing. Many smaller communities do not have this capacity.
  - d. Many times utilities are able to bond on their own. This allows them to have their funding up-front and they benefit from the interest earned on the funding. Again, smaller communities, depending on their credit rating may not have the ability to bond on their own.
  - e. There seems to be a lack of opportunity for innovative technologies that maybe more feasible for smaller projects.

In evaluating the CWSRF-Intended Use Plans today and in the future we recommend:

1. Removing projects from the Intended Use Plan within a set period of time that is reasonable for construction to begin. You could even allow a project, which has to reapply within a certain period of time from being taken off the list to receive additional points in the criteria which would allow them a little edge over a completely new project.
2. Ensuring waste water SRF projects remain a high priority in the internal evaluation and funding award process.
3. Requesting a stakeholder group is formed to study ways in which to fund smaller projects, encourage and evaluate innovative technologies, and simplify or assist with the application process.
4. Seeking stricter regulations for the development and maintenance of small subdivision systems or individual septic systems to alleviate future problems.
5. Utilizing funding in the administrative set-aside for outreach and marketing to waste water utilities, especially those out of compliance with their permit.
6. The *Iowa Policy Project Report, Effectively Using the Clean Water State Revolving Fund Program to Improve Water Quality in Iowa*, raises numerous questions about Iowa's SRF program (i.e.: rate of interest, return on investment, utilizing all funds available, etc.) We encourage Commissioners to request that the Department respond to this report and the questions it raised at a future Environmental Protection Commission meeting. It is important that all of us support the SRF program and its ability to fund projects that will improve water quality, but currently there are too many questions surrounding the program that it appears like constituents are working

against each other even though they have the same ultimate goal and this is to improve water quality in Iowa.

Water quality is a core component to Iowa's economic future. Since 1988 wastewater treatment projects have produced major improvements in the quality of Iowa's water bodies. The SRF is fundamental to a community's ability to develop and maintain innovative and efficient waste program and its ability to assist in improving water quality in Iowa.

**STEPHEN TEWS**, ICCI member from Bloomfield, Iowa said that he is in support of the rule change to Chapter 65 regarding the Master Matrix and construction permits with one exception. In Davis County, there are four permitted sites granted to Heartland Pork that have done just enough dirt work to count as the beginning of construction. Nothing more has been done since 1998 when the permits were first issued. Most construction projects are at a fast pace once they have started within a few months. Grandfathering in existing permits is a bad idea, it goes against the purpose of having this rule. Unless the removal of language about grandfathering permits, a new owner will be able to come into sites that have been abandoned for seven years and start construction without having to follow the new rules. Likewise it would not be fair to those living near these sites where the new owner does not have to abide by the new rules. I urge you to pass this rule as you remove the language that allows previously permitted sites to be exempted from these rules.

**GARRY KLICKE**R, ICCI member from Bloomfield, Iowa said that he supports Item 10 – amendments to Chapter 65 – Definitions, Construction Permit Requirements, Master Matrix and Groundwater Determination, especially the language to put a deadline on when construction must be completed. I am concerned with the four Heartland Pork sites that were permitted in 1998. No buildings were ever built but enough dirt work was done to be considered as beginning of construction. Many laws have changed over the past seven years. This rule is to ensure that in rare cases like this where facilities have been permitted but never built, that those new owners who decide to build on the site are following the most updated laws that we have. One change the DNR made to this rule is to allow existing permits to be grandfathered in, this doesn't make any sense at all. Please remove the language to grandfather in existing sites.

**FRANK FOLSOM**, from Marion County said that the hog facility just across the road from Pleasant Grove was built with no public hearing. By the time the community knew it was being built, it was over half way done. This facility has devastated a quiet, well-kept, and nice area. They have broken every rule that the DNR has laid down. We request that the DNR monitor this site.

**ELLEN FOLSOM**, from Marion County stated her concern with the contamination of groundwater. The water runs from the field which is on higher ground, goes into the ditch, across our farm and into the creek. Why doesn't the DNR monitor so there is no contamination? Past practices such as manure on the road and runoff into the creeks and on other farm ground does not show us faith that these people are being good stewards or that the DNR is requiring them to be a good stewards.



**MERLE SCHULZ**, from Pleasantville, Iowa said that he lives across the road from a field where manure will be applied this fall. There are three wells located on this property. It's implied that manure will be spread within one foot of these wells. These rules need to be reviewed and changed.

**NICK CARTER**, from Pleasantville, Iowa said drives by Heaberlin Farms everyday to and from work. This facility had no boxes for their dead hogs. Dead hogs laid outside their confinement for four to five days. When we complained, the DNR called Mr. Heaberlin, he denied that the hogs ever laid there. So to keep the DNR from seeing the dead hogs outside the facility, he put up plywood to hide the dead hogs. Does this sound like a man obeying the 24 hour rule?

(Nick passed out a letter regarding Mr. Heaberlin's hog operation.)

**SUSAN VANDERMOLEN**, from Pleasantville, Iowa requested that an investigation be done at Heaberlin Farms by the DNR. It's clear that Mr. Heaberlin invaded the law and I ask that all violations be referred to the Attorney General's Office. If Heaberlin has disregarded our state's major CAFO regulations, his operation should be shut down. There is a major aquifer that serves as a great resource for this area. If Heaberlin Farms is allowed to pollute this natural resource the impact will be far reached. My comments can be backed by the following facts:

84 of the 99 counties in Iowa have had illegal manure spills.

390 spills were reported between 1994-2004, the DNR issued fines for only 183.

Only 145 of the fines were paid.

The DNR has made it cheaper and more cost effective for factory hog farms to pollute the water. It is imperative that you hold the DNR accountable!

**PHYLLIS MAINES**, from Decatur County said that her family has been farming in Iowa for over a hundred years. The DNR had 30 years to clean up our water and has done nothing. For those of us living in rural Iowa, our tax dollars are paying for what DNR is not doing. People in Osceola are buying bottled water because they cannot trust the wells. DNR is now required to approve and review nutrient management plans. Nutrient management plans must be enforced. Our neighbors are poisoning us and DNR is looking the other way. Violators need to be held accountable to pay for their violations.

**BARB KOLABCH**, ICCI member from Dexter, Iowa addressed item 10 – Final rule on Chapter 65. Iowa's impaired waters list continues to grow. Manure from factories, and livestock facilities at the very least contribute to this. We all know there are rivers and streams in Iowa where there are no aquatic life. The 400 reported manure spills over the past ten years resulted in more than a million fish being killed. We cannot back away from strong rule making and other efforts to protect our water. It's ridiculous that our state government has allowed Iowa, who is blessed with water to come to this point. Please move forward with issuing strong individual permits to sites that have had manure discharges.

**RICHARD BIRD**, ICCI member from Van Buren County thanked those who helped fight the chronic complainer bill. This was a terrible bill that would have taken away our constitutional rights to speak out. We are glad that you have taken a stand for the environment for Iowa citizens

and for democracy by opposing this bill. We are asking you to take another stand by moving forward with efforts to issue strong individual clean water act permits for factory farms that have had a manure spill. With strong protective permits we can reduce the number of spills, reduce over application and work to ensure that manure is applied in a manner that will reduce possible water impacts. By reducing the problem you have also reduced the number of complaints that is good for everyone.

**MARIAN KUPER**, ICCI member, CPA and farmer from Hardin County said that the April 2005 deadline for the DNR to start implementing the clean water act for livestock facilities is at hand. The recent court ruling will require several changes to EPA's proposed rules in this regard. The court ruled that the permits issued to factory farms will have to be strengthened in several key ways. Manure management plans will have to be reviewed and approved by the DNR not just written by the factory farm operator with no DNR or public insight. Plans must be an enforceable part of the operated permitted site and made available as public record. We want citizens to have the right to review comments on these permits including the terms of the manure management plans. Operating permits must include enforceable limits on discharge of fecal coliform. The Court also ruled that the EPA could only require operating permits of factory farms that have documented manure spills. The DNR needs to create rules now that require strong individual permits of all factory farms with histories of manure releases.

Marian passed out a study on *Concentrating on Clean Water: The Challenge of Concentrated Animal Feeding Operations*. A report for The Iowa Policy Project, which is a non-profit, non-partisan research organization based in Mount Vernon. This report covers a wide range of topics of concern to the citizens of Iowa.

**WALLY TAYLOR**, Legal Chair of the Sierra Club submitted the following comments regarding the Clean Water Rules Update:

The Department of Natural Resources (DNR) is supposed to protect Iowa's water by enforcing the federal Clean Water Act for factory farms. However, the DNR has failed to do this – *for almost 30 years!*

The US Environmental Protection Agency (EPA) established an April 2005 deadline for the DNR and other states' agencies to start implementation the Clean Water Act for livestock facilities. The DNR planned to do the minimum work required to meet the new federal requirements, but a recent circuit court ruling means DNR will have to do better.

Why are Clean Water rules for factory farms important for Iowa?

- In the past 10 years, there have been over 300 fish kills caused by manure spills
- In October and November of 2004 alone, there were 22 manure spills in Iowa, and most were from factory farms
- Clean Water Act operating permits will give the DNR the ability to add stronger requirements and a way to say no to a facility in order to protected water quality, and the permits must be renewed every 5 years

What was the EPA going to require states to do about factory farm water pollution?

The EPA directed the states to require all livestock confinements with 1,000 animal units or more and all open feedlots with 1,000 animal units or more (2,500 hogs or 1,000 beef cattle) to obtain a National Pollution Discharge Elimination System (NPDES) permit – also known as a Clean Water Act operating permit.

However, the EPA was allowing states to create a general, one-size-fits-all permit that would apply to almost every facility, regardless of size or history of manure violations. The Iowa DNR was on track to create one of these ineffective general permits.

A recent Circuit Court ruling will require several changes to EPA's proposed factory farm rules

Several environmental groups, including the Sierra Club, challenged the EPA rules in court. As a result, a March 2005 Circuit Court ruling struck down several weak parts of the EPA's rules. The court ruled that the permits issued to factory farms will have to be strengthened in several ways:

- 1) Nutrient Management Plans (also known as Manure Management Plans in Iowa) must be submitted, reviewed and approved and have DNR and the public oversight.
- 2) Nutrient Management Plans must be an enforceable part of the operating permit itself, to ensure the DNR can hold factory farms accountable for violations of their plans that pollute our water.
- 3) Nutrient Management Plans must be made public. The court affirmed that the Clean Water Act grants citizens the right to review and comment on new permits, including the nutrient management plans.
- 4) Operating permits must include enforceable limits on the discharge of fecal coliform and other dangerous bacteria to our waterways.
- 5) Unfortunately, the court also ruled that EPA could only require operating permits of factory farms that have had documented manure spills. This still means hundreds of Iowa facilities will need permits.

*The court ruling changes make it clear that the DNR will need to issue individual permits rather than one statewide general permit – when they finally create new rules that meet the new requirements! The DNR has not taken action to being permitting factory farm polluters since the March court ruling. Rules still have to be written and approved by the state's Environmental Protection Commission.*

TAKE ACTION!

**JEFF HOVE**, Petroleum Marketers of Iowa addressed item 8 - amendment to chapter 135 regarding underground storage tanks. The amendments go beyond the federal requirements. We would request that the DNR evaluate the cost impacts. We have submitted written comments to the DNR regarding the strictiveness to the Chapter 135 Technical standards and corrective action requirements for owners and operators of underground storage tanks.

**PAT ROUNDS**, President and CEO of the Petroleum Marketers Mutual Insurance Company based in Waukee, Iowa. We provide insurance coverage for underground storage tank (UST)

owners. I would like to address items 8 and 9, dealing with UST regulations. We have worked with the department for several years on new rules. I understand that Item 9 – NOIA – Amendments to Chapter 136 – Financial Responsibility Requirements for UST will be postponed today while we continue to work on language.

#### Item 8 – NOIA – Amendments to Chapter 135

This area is regulated by federal government, with very specific regulations. Iowa Code which gives you authorization to develop rules for UST, limits your authority which says that the rules have to be consistent with or exceed the requirements of the federal regulations relating to UST. We would request that each of the items proposed today be evaluated for:

- 1) is the item addressed in the federal regulations
- 2) will the item create a state regulation that is different from the federal regulation
- 3) will the new language be consistent with federal regulations
- 4) will the new language exceed the requirements of federal regulations.

Many of the items in the proposed rule today are in fact a modification of the federal law. We would request that you have answers before moving forward with the notice of intended action.

-----End of Public Participation-----

### **REFERRALS TO THE ATTORNEY GENERAL**

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- Ponderosa West, LLP (Humboldt County) – Animal Feeding Operations / Wastewater  
Ed Tormey said that Ponderosa West is no longer needed to be referred. The Department settled with Ponderosa after the agenda was distributed.

### **APPOINTMENT - CDI, LLC (CHARLES CITY & FORREST CITY) – AIR**

Anne Preziosi, Attorney for the Iowa DNR presented the referral.

CDI has two facilities in located in Iowa. CDI applies the finish painting to the exterior of recreational vehicles manufactured in the adjacent Winnebago Industries facilities.

Sources of emissions to the outside atmosphere at both facilities include several spray paint booths, a Paint Mix Room, several exhausts for the sanding area, and several cure ovens. The Charles City CDI facility also includes a Final Repair Area.

### **Alleged Violations at Forest City Facility**

#### **A. Failure to comply with emissions limits**

Eleven permits were issued in 2002 as one project. The VOC emissions units for this project were not to exceed 80.0 tons per year, calculated on a 365 day rolling total.

Each of these permits requires that CDI furnish DNR with a report when any emissions unit or control equipment operates outside the limits. (specified in Conditions 10 and 14, in accordance with 567 IAC 24.1 – “Excess Emission Reporting”).

According to the information from the purchase records during a thirteen-month period, the DNR calculated on a 365 day rolling total basis at the rate of usage of raw materials indicated by the purchase records, it would have taken several months from startup for CDI to have exceeded the VOC emissions limits in its permits. CDI began operations in Forest City in September 2002 and the inspection report from a November 2003 states the facility is in compliance with its 80.0 ton per year VOC usage limit. Therefore, it is estimated that CDI exceeded its VOC emissions limits for at least 10 months, from December 2003 to September 2004. DNR staff asked CDI for the actual daily usage records and were informed that those records were not kept however, CDI stated that when purchase records are averaged over a 365 day period, purchase records are very close to actual usage.

DNR also has evidence that VOC emissions have exceeded the 80.0 tons per year emission limit during the months of October 2004 through February 2005, based on a letter received from CDI on their calculation of the 365 day rolling total for VOC emissions.

Therefore, the DNR has evidence that the VOC emissions limit has been exceeded for at least 15 months.

#### **B. Failure to timely obtain construction permits**

Also during the November 2004 inspection in Forest City, DNR was informed that the originally permitted base coat paint booth had been re-located and that two new base coat paint booths had been installed and were in use. Further, the sanding and preparation area had been moved and two new fans had been installed at the new location. All of these changes had been made without first obtaining air quality construction permits or permit modifications, as required by 567 IAC 22.1. All of the unpermitted emission points were in use. These changes had occurred since the previous air quality inspection conducted in November 2003.

### **Alleged Violations at the Charles City Facility**

**A. Failure to timely obtain construction permits**

During the November 2004 air quality inspection at the CDI facility in Charles City, DNR staff observed several new unpermitted emission points had been installed and were in operation. The Charles City CDI facility began operations sometime in October 2004, after receiving air quality construction permits from DNR in April 2004. Apparently, CDI did not construct the facility pursuant to the April 2004 permits, and the unpermitted emission points found during the November 2004 inspection reflect those changes.

Permit application for five unpermitted emission points were submitted to DNR in December 2004. In addition to the four unpermitted emission points found during the November 2004 inspection, an unpermitted stack had been added to vent the new Final Repair Area. Air Quality Construction Permits were issued on January 28, 2005 for these five unpermitted “as-built” emission points.

Due to the violations at both CDI sites, the department asks that you refer CDI, LLC to the Attorney General for appropriate enforcement action.

Madonna McGraf, the attorney representing CDI, LLC presented CDI’s case.

CDI, LLC came to Iowa as a small business in painting RV’s for Winnebago. CDI exceeded their own expectations and found themselves needing to expand almost immediately after beginning operations in Forest City. CCDI understands that compliance with the environmental protection laws is an essential part of it’s business. That’s why seven months after initial construction permit was issued, CDI submitted a modification application in April 2003 that would accommodate the unexpected and rapid growth. Nearly two years later, we still do not have a modified permit. There have been two stumbling blocks in CDI obtaining an air permit and these are legal issues not before you today. 1) You should know there has been significant disagreement between the department and CDI on what emissions baseline should be used for determining CDI’s permit plans. 2) Whether CDI and Winnebago Industries should be considered a single source rather than two separate sources for air permitting purposes. We now believe that DNR and CDI have reached an agreement on the emissions baseline issue that will allow CDI to operate and obtain a proper permit at the emission limit that we requested two years. If this permit had been issued in a timely manner, the Forest City plant would not have once exceeded its emission limits. Though we are hopeful to obtain the revised permit modified permit we are not certain. This will allow CDI to operate in compliance with all the laws while maintaining its jobs and doing what they originally intended to do.

We are asking Commissioners to do whatever is in your power to end this protractive permit process and encourage the department to issue a permit modification.

The department does not indicate the exhaustive attempts to meet the requirements of an ever changing DNR permit regime not expressed in the rules.

(Madonna passed out two chronologies of meetings and applications that CDI has submitted to DNR over the past two years.) This can be located in the departments’ record center.

The litigation report does not characterize CDI's proactive actions over the past several years. CDI self recorded their permit exceedences in Forest City, not only in meetings and discussions with DNR but in writing. DNR did not need to inspect CDI in November 2004 to learn of this concern. CDI reported the likely exceedences in May 2004 and scheduled meetings with DNR in effort to reach a permit remedy.

In Charles City, CDI identified several unpermitted emission units that had not been included in its original structure application prior to the DNR inspection in late November 2004. CDI reported these unpermitted emission units to DNR in October 2004 in our Title V permit application. We think it's important that you are aware of the self reporting and meetings with DNR.

We urge you to consider all of the mitigating circumstances involved in these alleged violations that warrant that they be resolved through the administrative process rather than through the Attorney General's office, however no matter what the commission decides we will cooperate fully in order to resolve these matters. We believe we can demonstrate that we do not meet your criteria for referral. CDI has realized no cost savings by apparent non-compliance. There has been no actual threat to the environment and there are no long term effects from hazardous substances. There is no threat to the integrity of the regulatory program. There has been no false reporting and no intent to deliberately avoid our legal obligations. There has been no environmental threat or damage. If in Forest City, the DNR would have issued timely permits neither of the alleged violations for that facility would have occurred. In Charles City, CDI is being punished for what many other companies have not been punished for. These circumstances do not appear to warrant referral to the Attorney General for civil action.

Darrell Hanson said that there seems to be some financial advantage.

Madonna McGraf said that she was unable to answer that question but CDI obviously continued with their business during that period of time.

Dave Nagel said that if our permit that we applied for was approved and issued in a timely manner, we would not have exceeded the emissions.

Lisa Davis Cook asked why they didn't apply for the higher emission baseline in the first place.

Madonna McGraf said that they had no idea that expansion would be needed so quickly.

Lisa Davis Cook said that it seems that you knowingly exceeded the emission limits since you knew you were not at a high enough level when you were starting to expand.

Madonna McGraf said that CDI was not in violation at the time they applied for the permit modification nor were we for the entire first year when we were trying to get some resolution of these issues. We have self reported higher emissions.

Anne Presozi said that CDI was ordered by EPA to do what DNR was instructing them to do. If the Commission is not sure what to think about the applying for modified permit, they still went ahead and built two new paint booth structures without a permit.

Catharine Fitzsimmons said that we have received two letters from EPA Region 7 and EPA Headquarters confirming our position. Since then we have been working with CDI to determine the baseline emission levels. We did meet with CDI at the beginning of their construction regarding emissions based on size.

Madonna McGraf said that they are willing to meet with DNR to resolve these issues and violations. We have not ignored the law or permit for 2 years nor was this was not done deliberately.

*Motion was made by Heidi Vittetoe to refer CDI, LLC to the Attorney General. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**REFERRED**

**APPOINTMENT - RICHARD JUHL (LEWIS) – AIR / SOLID WASTE**

Kelli Book, attorney for the IDNR presented the DNR's case on Richard Juhl.

The Department requests the Attorney General institute a civil action to require Mr. Juhl to unearth the buried solid waste and dispose of it properly or in the alternative to file an affidavit explanatory of title with the Cass County Recorder. The Department also requests the Attorney General institute the proper action to collect the penalty.

An order was issued to Richard Juhl in March 2004. The order was issued as a result of Mr. Juhl's illegal burning and improper disposal of a house in Lewis, Iowa. Mr. Juhl was ordered to 1) cease any and all open burning 2) cease any and all open dumping 3) file an affidavit explanatory of title with the Cass County Recorder denoting the burial of solid waste on the property or unearth and properly dispose of all buried solid waste on his property 4) comply with the open burning and solid waste on his property and 5) pay a penalty of \$4,700.00.

Mr. Juhl filed a timely appeal and an attempt was made to negotiate a settlement. However, the Department and Mr. Juhl did not reach an agreement on a settlement and the matter was set for an administrative hearing. Mr. Juhl's attorney failed to file a timely petition. On June 16, 2004, the Department filed a Motion for Default Judgment. On June 25, 2004, Administrative Law Judge Margaret LaMarche issues an Entry of Default, dismissing Mr. Juhl's appeal. The EPC chose not to review the dismissal at the July 2004 EPC meeting. The order became a final agency action. On July 21, 2004, Mr. Juhl was sent a letter informing him the dismissal had become a final agency action and the penalty and compliance were due immediately. To date, Mr. Juhl has failed to pay the penalty, additionally he has failed to either file an affidavit explanatory of title or unearth the buried waste and dispose of it properly. Mr. Juhl's attorney did file a Petition and Motion to Set Aside Default Judgment in September 2004, over 75 days after



the deadline to file the motion. On October 1, 2004, Judge LaMarche denied Juhl's attorney the Motion to Set Aside Default and refused the Petition. On October 8, 2004 Judge LaMarche send the department a letter stating the DNR was now the agency with jurisdiction over the matter. On October 19, 2004, the DNR sent a letter informing him that all administrative remedy had been exhausted and that Mr. Juhl was again required to the penalty and comply with the reaming terms of the order. The letter also informed that Mr. Juhl would be referred to the Attorney Generals' Office if the affidavit and penalty were not submitted by November 1, 2004.

John Trewet, Attorney representing Mr. Juhl in this matter. We did make an application for reconsideration of the Default judgment. Mr. Juhl is a working man in a small town and believed that what he was doing was right and beneficial to the community. Mr. Juhl did go the DNR office and followed the procedure given, he thought it would be consistent with the law.

I ask the Commission not to refer this to the Attorney General's Office. Mr. Juhl thought to be correct according to the local DNR field office. Mr. Juhl bought two houses about 20 years ago. The first house was burnt by the fire department as a training fire. The second house was burnt by Mr. Juhl. Before both houses were burned, Mr. Juhl went to the DNR office and had an asbestos test done then approved by the City Council.

Kelli Book said that we are not denying his contact with the DNR field office. Mr. Juhl needed to file a variance permit.

Heidi Vittetoe said that it seems illogical to dig the house back up.

Kelli Book said that they have another option and that would be to record the buried house on the deed to the land.

*Motion was made by Kathryn Murphy to refer Mr. Richard Juhl to the Attorney General's office. Seconded by Terry Townsend. Roll call vote went as follows: Lisa Davis Cook – aye; Lori Glanzman – aye; Darrell Hanson – aye; Donna Buell – aye; Francis Thicke – aye; Terry Townsend – aye; Heidi Vittetoe – nay; Jerry Peckumn – aye; Kathryn Murphy – aye. Motion carried.*

<b>REFERRED</b>
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## **CONTRACT – THE SANBORN MAP COMPANY – LiDAR ACQUISITION FOR FIVE IOWA WATERSHEDS**

Chris Ensminger, GIS Section Supervisor in the Land Quality Bureau presented the following item.

The Department requests Commission approval of a contract not to exceed \$205,000 with the Sanborn Map Company for Light Detection and Ranging (LiDAR) data acquisition in five Iowa Watersheds.

The Commission is requested to approve the Department adopting a contract for services with Sanborn Aerial Mapping to acquire LiDAR (Light Detection and Ranging) data for five drainage basins (covering approximately 139,537 acres) located in Iowa and southern Minnesota. Digital elevation data is critical to understanding the drainage characteristics of the Iowa landscape. This contract represents a pilot effort the state is undertaking to evaluate LiDAR technology for use in land and water quality planning and improvement efforts. These more accurate elevation data will be used for a variety of purposes, including hydrologic modeling, design of culverts, terraces, sediment basins, and other control structures. In addition, these data will be utilized in the design of surface wetlands to remediate water quality from agricultural and urban runoff. This investigation is intended to assess the quality, utility, and cost benefit of this technology prior to engaging in broader acquisitions.

The existing Digital Elevation Model (DEM) for the state was derived from the USGS 1:24,000 topographic map series, for which mapping dates back as far as the 1950's. The contour interval for this mapping was 10 feet, with a stated accuracy of  $\frac{1}{2}$  of the contour interval ( $\pm 5$  feet). Improvements of laser distancing, GPS, and Inertial Management Unit (IMU) technologies have recently merged to create the current LiDAR technology, which allows high-resolution vertical elevation data to be collected from aerial platforms. This new technology has the potential of creating elevation models at approximately 15 cm vertical accuracy, which is a significant improvement over the existing DEMs and approaches survey quality accuracy.

The contract amount is not to exceed \$205,000 for the period April 2005 through October 2005. The contract represents a pilot project with the objective of investigating the utility of LiDAR technology to create more accurate Digital Elevation Models (DEMs) than are currently available for Iowa. This project will produce new highly accurate DEMs for the Iowa Great Lakes basin in Dickinson County, IA, and Jackson County, MN, the Bear Creek basin in Story and Hamilton Counties, the Lake Darling basin in Washington, Keokuk, and Jefferson Counties, and the Upper Fivemile Creek and Upper Ninemile Creek basins in Lucas and Wayne Counties. The DNR has seven partners in this project, including the Dickinson County Engineers Office, the Dickinson County Water Quality Commission, the City of Milford, the Jackson County (MN) Environmental Planning Office, Iowa State University, the Iowa Department of Agriculture (Division of Soil Conservation), and the Rathbun Rural Water Association. The DNR will be providing funding in the amount of \$77,000 for the project, representing 38% of the project total.

The \$77,000 to be provided by DNR is funded through EPA 319 grant dollars awarded to the state for watershed projects. Partners in the project will provide the remaining monies. The products of this contract will include the raw LiDAR data, the high resolution DEMs, breaklines which define stream banks, road edges and other significant hydrologic features, and high resolution (6 inch pixel size) digital orthophotography of the covered basins.

Because LiDAR is still considered a new technology, it is critical that a reputable and reliable company be selected for this contract. With this in mind, the RFP evaluation committee unanimously ranked Sanborn in the top two of all submitted proposals. When cost effectiveness was considered, Sanborn clearly separated itself from their competition.

Sanborn Map Company has been conducting mapping projects since 1866. They are industry leaders in many aspects of aerial data collection and have a proven track record. Sanborn currently employs more than 200 GIS personnel and would have the ability to perform at any project scale the state desired. In addition, Sanborn will not be subcontracting any portion of the contract so the state will have an excellent communication scenario with the individuals that are actually performing the work.

Donna Buell abstained from voting due to her involvement in finding partners for the accounts.

*Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Francis Thicke. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS**

Jim Humeston, Supervisor of the Underground Storage Tank Section presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 135 "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The rule changes were presented to the Environmental Protection Commission at the March 2005 meeting for information. The amendments add clarification, remove outdated rules, incorporate departmental guidelines and add new requirements.

The following is a summary of the proposed amendments to the rules:

**135.1(3) Applicability.**

- The rule citation for deferral from rules was corrected.

**135.2 Definitions.**

- The definition of operator was clarified to include a leasee of a tank.

**135.3 (1) Performance standards for new UST systems.**

- Clarification in rule that all portions of the UST system must be compatible with the substance stored. This is required in statute. This clarification was needed with the advent of new fuels such as E-85 and biodiesel.
- The impressed current system for corrosion protection is required to be designed so a tank operator can determine the operating status. Since some systems were installed without this capability, a clearer description of the requirement was added.

- New paragraphs address the need for the impressed current system design to take into account other underground metal structures such as water or gas lines. Stray current can negatively affect these structures. The corrosion expert designing the system should have already taken this problem into account.
- The definition of piping was amended to include flexible plastic pipe. In addition the requirement for all piping to be compatible with product stored and the environment it will be exposed has been added.
- For metal tanks or piping to be installed without corrosion, a corrosion expert must certify they will not have a release from corrosion for the life of the tank or piping. This left no definition of operational life. The rule change requires operational life to be defined.
- Ball float valves for overfill protection will no longer be allowed at new installations. During an overfill, ball floats plug the air vent line, reducing product flow that the operator is supposed to notice. When product continues to flow into the tank, air at the top of the tank compresses. The tank becomes pressurized causing unsafe conditions.
- Ball floats are already not allowed according to industry standards for suction piping systems, pumped product delivery, and remote tank filling. Suction pumps have bleeder valves at the dispenser that release product in overfill conditions. Pumped delivery can rupture a tank. Tanks with remote filling have two fill openings. The tank is checked for product level through the normal fill port and many times left open while filling through the remote fill port. During tank overfill, fuel flows out the normal fill port. Tanks with ball float valves under these conditions will have to be removed or made inoperable. All other tanks already with ball floats are not required to remove them.

#### **135.3(2) Upgrading of existing systems.**

- For tanks upgraded by internal lining, periodic inspection of the internal lining was not required if cathodic protection was also added at the same time. The policy of allowing up to a year for adding the cathodic protection is being incorporated into rule.

#### **135.3(3) Notification requirements.**

- The department is not always notified of ownership changes, which causes delays in new owners receiving correspondence from the department. The new rules require the present owner to notify the DNR of ownership change and notifying the new owner concerning registration. Clarification has been added to inform any new owner that any compliance or maintenance requirements from the previous owner must still be corrected. Any previous tank management fees still owed the department must be paid.
- State law requires a \$250 late fee for not registering a tank within 30 days of installation. The rule change defines installation date as the day the installer can certify the tank installation after testing the system.

#### **135.4(1) Spill and overfill control.**

- There have been problems with spills during fuel delivery. Guidelines for the owner and operator to follow for product delivery have been added. These are actions they should already be performing.
- The owner and operator are responsible for proper delivery of fuel to the tank. A new rule requires at least one trained person on site on to monitor fuel delivery.

- To ensure delivery of fuel to the correct tank, color coding of the fill containment cover is being required.

**135.4(2) Operation and maintenance of corrosion protection.**

- The testing requirements for cathodic protection systems contained in DNR guidance documents have been added.
- The definition of cathodic protection tester is vague and hard to determine. The new rule requires certification by the NACE (National Association of Corrosion Engineers) or equivalent training and testing approved by the DNR. There is a one-year time frame for obtaining certification.
- The time frame for the owner and operator to check the operation of their impressed current system has been changed from every 60 days to every 30 days. There has been problems getting owners to remember to check their system on a 60-day cycle. It is hoped a monthly testing routine will be easier to remember.
- The department has observed many problems with impressed current systems. The 3-year cycle for testing the system by a corrosion protection tester is too long. The rule change increases the frequency to testing to every year and submittal of the report to the DNR.
- No guidance has been given regarding what actions must be taken when a cathodic protection system is inoperable. The condition of steel tanks and lines deteriorate as they continue to rust without cathodic protection. If the owner and operator are checking the operation of the corrosion protection system as required, any problems should be caught quickly. New rules provide testing that must be performed when the system has not been providing protection. Older tanks must be permanently closed after one year without corrosion protection. This usually occurs at tanks no longer storing fuel with the power turned off.

**135.4(5) Availability of maintenance records.**

- The policy is being added that allows 2 business days to provide records.

**135.4(6) Training of on-site personnel.**

- Leak prevention and detection requires knowledgeable staff to respond to spills and indications of a leak. The rule requires at least one person to know when the leak detection equipment indicates a leak, how to respond to a leak or spill, and who to call.

**135.4(7) UST sites with no on-site personnel.**

- More tanks are being operated past normal business hours without on-site personnel present which was not the case when the UST rules were first promulgated. There are some 24-hour credit card only sites. In these situations leak detection devices must be able to act on their own to shut down the system in case of a release. Regular checks of the system are also required. These new rules require in-line leak detectors for catastrophic releases and sump sensors to shut down the fuel delivery system. The tank system also has to be checked daily, prior to product delivery and after product delivery.

**135.5(1) General requirements for all UST systems.**

- Requirement has been added to require service checks of leak detection equipment at least once per year for operable or running condition.

- The department currently requires another leak detection method be used if the owner and operator are unable to conduct leak detection with the method currently in use. Currently this has only occurred with methods requiring inventory control performed by the operator.
- A visual check once per month of all above ground piping, connections and equipment containing product has been added. This is a major source of leaks not required to be checked.

**135.5(4) Methods for release detection for tanks.**

- All leak detection methods listed in this rule have been third party certified in accordance to US EPA test procedures. The requirement has been added that all methods must be certified to meet these procedures.
- Rule update to include revision to manual tank gauging procedure accepted by US EPA.
- Leak detection methods are required to test any portion of the tank that routinely contains product. For automatic leak detection methods this required testing the tank right after being filled. This can be difficult due to the method. The rule defines testing within 20% of the highest product level for that month.
- Currently there is no requirement to test the secondary containment space in double wall tanks or piping or containment sumps. Testing is needed to assure the containment system remains sound. The new rule requires testing secondary containment every three years according to manufacturer specifications.
- Statistical inventory reconciliation leak detection method is being added to the rules.
- The requirement for an automatic line leak on pressurized piping has been amended to require the yearly test of the equipment to be a quantitative test. The line leak detector must shut down product delivery through the line if the dispensing occurs with no personnel on-site.
- Written performance claims must now be kept for the life of the equipment instead of 5 years. This is needed to insure new owners know their equipment capabilities.

**135.15(1) Temporary closure.**

- The rules have been reformatted for clarity. A new requirement is having the tank system certified as meeting temporary closure requirements after 3 months of temporary closure. Finding tanks not meeting temporary closure requirements has been a problem. Specific requirements have been added when requesting extension of temporary closure. Each year the site needs to be certified as meeting temporary closure requirements. To bring a tank back into use, the equipment operation must be certified. After 3 years in temporary closure the tank must be permanently closed. After 3 years tanks are rarely brought back into use. If financial responsibility is not maintained, closure sampling for contamination must be completed so a claim can be filed within 6 months.

**135.15(2) Permanent Closure and change-in-service.**

- The rule has been reformatted. A new paragraph that refers to the requirement in Chapter 136 that financial responsibility must be maintained until permanent closure.

**135.16 Laboratory analytical methods for petroleum contamination.**

- The language has been changed to include any samples analyzed must be done by a certified laboratory. Previously only soil and water were mentioned. Soil gas samples are now also analyzed.
- A new method of analysis for gasoline has been added.

**135.17 Evaluation of ability to pay.**

- Owner and operator ability to pay is determined when they claim unable to comply with corrective action required by the department. The federal evaluation methods used are called "Individual Ability to Pay" (INDIPAY) and "ABEL". The current versions need to be adopted.

**Appendix C. Declaration of Restrictive Covenants.**

- Restrictive covenants are often used as a method to reach final cleanup action at petroleum contaminated sites. Contamination is left on site with restrictions on property use such as no drinking water wells within a certain radius or no buildings with basements. The restrictive covenant language has been changed to include DNR approval before a restrictive covenant can be terminated.

Any interested person may submit written comments on the proposed rule amendment on or before Friday, June 10, 2005. Written comments should be sent to the Department of Natural Resources, Attn: Paul Nelson, Wallace State Office Bldg. Des Moines, IA 50319 or FAX 515-281-8895 or e-mail [paul.nelson@iowa.dnr.state.ia.us](mailto:paul.nelson@iowa.dnr.state.ia.us)

Three public meetings will be held at the following locations:

- Tuesday, May 31, 2005 – Coralville Public Library – 1401 5<sup>th</sup> Street, Coralville, IA
- Wednesday, June 1, 2005 – Norelius Community Library – 1403 1<sup>st</sup> Ave, S, Denison, IA
- Thursday, June 2, 2005 – Wallace State Office Bldg. – 4<sup>th</sup> floor Conference room

*Motion was made by Lisa Davis Cook to approve the NOIA – Chapter 135 as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTER 136, FINANCIAL RESPONSIBILITY REQUIREMENTS FOR UNDERGROUND STORAGE TANKS**

Jim Humeston, Supervisor of the Underground Storage Tank Section asked to defer this item to a future meeting.

**DEFERRED**

## **FINAL RULE – AMENDMENTS TO CHAPTER 65 – DEFINITIONS, CONSTRUCTION PERMIT REQUIREMENTS, MASTER MATRIX AND GROUNDWATER DETERMINATION**

Gene Tinker, Animal Feeding Operations Coordinator presented the following item.

The Commission is requested to approve final rules to update terminology and provide clarity in 567 Iowa Administrative Code Chapter 65. Definitions in the chapter are updated. Clarity for determination of need for a construction permit is added – 65.7(1)“b” and designation of when a construction permit will expire if construction hasn’t been completed – 65.7(5). In addition, language is added to 65.9(1) and 65.10(3)“b” to clarify use of the Master Matrix to more closely follow Iowa Code section 459.304. Finally, 65.15(7)“c” is modified to more clearly describe accurate determination of the groundwater table.

A public hearing was held on November 8, 2004 and written comments were received. As a result of the written and oral comments, the following changes have been made to the Notice of Intended Action:

1. **65.7(1) “b”(1).** Changed to require a permit for constructing or modifying any unformed manure storage structure. Egg washwater storage structure deleted.
2. **65.7(1) “b”(3).** Added language that a new construction permit is not required for increased animals or manure production up to the limit specified in a previously issued construction permit.
3. **65.7(1) “b”(4).** Added language that a new construction permit is not required for increased animals or manure production up to the limit specified in a previously issued construction permit.
4. **65.7(1) “b”(6).** Added language that a new construction permit is not required for increased animals or egg washwater production up to the limit specified in a previously issued construction permit.
5. **65.7(1) “b”(7).** Changed “reopening” a confinement feeding operation to “repopulating”.
6. **65.7(1) “b”(9).** Removed the subparagraph (9) designation as per the list of requirements for when a construction permit is required, but retained the language as an unnumbered paragraph for clarification. Also changed “improvements” to “additions”
7. **65.7(5).** Changed “or” to “and” to clarify both conditions apply and added an extension of time could be granted for completion of construction in addition to initiation of construction. Also added that the requirement takes effect with the effective date of the rule to clarify previously issued permits are not affected.
8. **65.10(3) “b”(3).** Modified language to indicate the board may still submit comments regarding a construction permit application.
9. **65.15(7) “c”(1)“2”.** Changed “runoff control basin” to “settled open feedlot effluent basin” to coincide with the definition in Iowa Code section 459.102.

Gene Tinker said that currently there is no completion date for construction. Comments to consider having a permit that is valid for construction but not execute that permit until economic conditions are correct, even then the whole site would not need to be completed. We do have a 180 day rule that we are looking into.



Randy Clark said that you will have a 180 days from either the date the notice was published or the last public hearing date.

Gene Tinker said that the public could start construction when the economics look good, they don't want to be forced into building when it may not be profitable. But since it is a part of their expansion plan, they do want the permit in hand so that when economics are good they can begin right away. We are required to get the construction permit to the producer within 60 days. If there are delays, extensions can be made.

*Motion was made by Heidi Vittetoe to amend chapter 65.7(5) to state that construction must be completed within seven years of the date of issuance and any previous permits granted must be completed within seven years of the effective date of this rule. Seconded by Lori Glanzman.*

Jerry Peckumn asked how this changes in principal.

Gene Tinker said that the permit is transferable. The permit goes with the sale of the site. Whatever was permitted to the original owner transfers to the new owner as well.

Francis said that his concern with the seven year period. That seems too long. Rules change.

Jerry Peckumn also said that he is concerned with the seven year time frame. It's too long. The grandfather clause needs to be removed.

Wayne Gieselman said that it is statutory that construction must begin within one year after obtaining a permit. We can not change that.

Lisa Davis Cook said that she is okay with the seven year time limit for previous permitted facilities to have construction completed. The rule should remain as three year time frame for new permitted facilities to have construction completed by.

Jeff Vonk said that seven years is too long from the departments perspective. Rules and society changes.

*Roll call vote went as follows for the motion to amend chapter 65.7(5): Lori Glanzman – aye; Darrell Hanson – nay; Donna Buell – nay; Francis Thicke – nay; Terry Townsend – nay; Heidi Vittetoe – aye; Jerry Peckumn – nay; Lisa Davis Cook – nay; Kathryn Murphy – aye. Motion failed.*

Francis Thicke said that he has concerns with giving seven years for ones that have been sitting out there for seven years already. I cannot support the seven year time frame for those that have had all the time to complete.

*Motion was made by Darrell Hanson to amend chapter 65.7(5) to state that construction must be completed within 4 years for new permits and existing permits need to be completed within 7 years of effective date of this rule. Seconded by Donna Buell. Roll call vote went as follows: Darrell Hanson – aye; Donna Buell – aye; Francis Thicke – nay; Terry Townsend – aye; Heidi Vittetoe – aye; Jerry Peckumn – nay; Lisa Davis Cook – aye; Lori Glanzman – aye; Kathryn Murphy – aye. Motion carried.*

*Motion was made by Donna Buell to approve the Final Rule – Chapter 65 as amended. Seconded by Lisa Davis Cook. Roll call vote went as follows: Donna Buell – aye; Francis Thicke – aye; Terry Townsend – aye; Heidi Vittetoe – aye; Jerry Peckumn - nay; Lisa Davis Cook – aye; Lori Glanzman – aye; Kathryn Murphy – aye. Motion carried.*

**APPROVED AS AMENDED**

**FINAL RULE – AMENDMENT TO CHAPTER 65.17 - INCORPORATING THE PHOSPHORUS INDEX INTO MANURE MANAGEMENT PLANS**

Gene Tinker, Animal Feeding Operations Coordinator in the Environmental Services Division presented the following item.

The Commission is requested to approve a final rule to amend the state's manure management plan content requirements including revised language on recordkeeping requirements for commercial fertilizer applications.

Iowa Code 2003: Section 459.312, directs the department to develop rules that require manure application from a confinement feeding operation utilize the phosphorus index to determine application rates. The commission adopted rule amendments to incorporate the phosphorus index into manure management plans and to modify other aspects of the manure management plan requirements at the June 21, 2004 meeting. The administrative rules review committee placed a 70 day delay on paragraph 65.17(13)"e" while new language for the rule could be developed and reviewed. The commission further modified the paragraph at its January 18, 2005 meeting.

A public hearing was held on March 8, 2005 and written comments were received for the proposed revisions to the recordkeeping requirements for commercial fertilizer applications. Comments were received from three entities. We have not received any feedback from the rules review committee since the last time.

Jerry Peckumn left the meeting by phone.

*Motion was made by Lisa Davis Cook to approve the final rule – chapter 65.17 as presented. Seconded by Terry Townsend. Roll call vote went as follows: Donna Buell – aye; Terry Townsend – aye; Francis Thicke – aye; Lisa Davis Cook – aye; Lori Glanzman – aye; Darrell Hanson – aye; Heidi Vittetoe – nay; Kathryn Murphy – aye. Motion carried.*

**APPROVED AS PRESENTED**

**CONTRACT – AYRES ASSOCIATES INC. – ONSITE WASTEWATER TREATMENT SYSTEMS DATABASE BUSINESS PLAN**

Daniel Olson, Environmental Specialist in the Wastewater Operations (NPDES) Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$57,410 with Ayres Associates Inc. for the business plan for the Onsite Wastewater Treatment Systems Database. The funds for this contract come from a State and Tribal Assistance Grant (STAG) from the U.S. EPA. Additional funds are available as needed from an EPA Small Communities Wastewater Grant.

This contract will develop a business plan for a statewide Onsite Wastewater Treatment Systems Database. Onsite wastewater treatment systems (septic systems) serve approximately 25% of the homes in the state of Iowa. The rules relating to the installation and permitting of onsite systems are found in Iowa Administrative Code 567-Chapter 69, “Onsite Wastewater Treatment and Disposal Systems”. The actual permitting, inspection, recordkeeping and enforcement of these rules have been delegated to the county boards of health. This has created 99 different locations and methods to store the information about these onsite systems. The business plan created with this contract will provide the framework for a future database that will collect this onsite system information in one location. The information will be used by the Department and county boards of health to more effectively manage onsite systems to prevent premature failures and groundwater pollution. The U.S. Environmental Protection Agency (EPA) is pushing management of onsite systems in order for them to be used as a viable long term solution. The database will also be used to manage NPDES General Permit #4, used for onsite systems. This is an EPA requirement when discharging onsite systems are permitted as in Iowa.

This contractor was chosen because of their excellent understanding of the goals of the Onsite Wastewater Treatment Systems Database. Ayres Associates has a great deal of direct experience in onsite wastewater issues including experience with EPA and county level onsite programs. They also have direct experience with creating onsite wastewater databases for counties and the state of Florida. This contractor provided a detailed project approach that demonstrates their knowledge of state and local onsite wastewater programs.

## **Onsite Wastewater Treatment Systems Database**

### **Scope of Work**

#### **Exploring Existing Data and Databases**

In order to obtain an understanding of the databases that are used in Iowa, the contractor will visit the following counties to review the onsite wastewater system databases they are currently using:

- Polk
- Linn
- Dallas
- Boone
- Jasper
- Marion
- Guthrie
- Johnson

The contractor will determine the integration and/or migration strategy for the identified systems. The contractor will solicit input from these counties as to what they would like to see from a statewide database and determine how these counties would like to input and retrieve information. Migration of information from existing databases is imperative.

#### **Stakeholders Committee**

The contractor will convene a stakeholders committee meeting to determine the database needs of the Department, the counties and other interested parties. This stakeholders committee will be selected by the Department from, but not limited to, representatives of the following:

- IDNR Onsite Wastewater and IT staff - 2
- Iowa Environmental Health Association - 5
- Iowa Onsite Wastewater Association - 3

The stakeholders committee will be responsible for the following:

- Provide guidance in the development of the database system design
- Help identify the necessary components of the database system
- Provide information about existing database systems
- Approve final business plan

The contractor will work with the stakeholders committee to determine the design of the database needed. Element of the design may be suggested by the contractor or the committee.

#### **Review of Existing Onsite Systems Software**

The contractor will review commercially available applicable software to determine if there is something already developed that would meet the needs outlined by the stakeholders committee and this RFP. The contractor will provide a document detailing the capabilities of existing systems and contrasting those capabilities with the needs outlined by the committee and this

RFP. The costs associated with purchasing and implementing an existing database system shall be outlined.

### **System Capabilities**

The database system shall have remote access with role based security. The following users shall have access:

- IDNR staff (unrestricted access)
- County personnel (access restricted to that specific county's records)
- Maintenance contractors (ability to enter maintenance/compliance information for systems they are maintaining)
- Homeowners (ability to enter maintenance/compliance information for their own system)

The design of the database will be compatible with the state's One Stop database. The One Stop database is a consolidated database of all environmental sites, with a structure based upon EPA data standards. The contractor will explore the possible integration of the U.S EPA's ICIS-NPDES system. The database will be integrated with the county's existing databases.

This integration shall be both batch and transactional integration. The database will allow queries and reports for all data entered.

### **Data to be Considered**

The database will provide for the entry of property and onsite system information. This information shall include, but not be limited to, the following:

1. Property information including;
  - a. Type of property, single family dwelling, multi-family or commercial
  - b. Location including address, legal description, longitude/latitude
  - c. Size of home (# of bedrooms) or business (#of employees, estimated flow)
  - d. Special considerations
  - e. Soil tests/ percolation test results and who performed them
  - f. Separation distances
  - g. Time of sale inspection
2. Onsite system information including:
  - a. Type of system including all components
  - b. Installer information
  - c. Whether it is a discharging system or not.
    1. If yes, NPDES permitting and test results, otherwise not applicable
  - d. Whether an Onsite Wastewater Assistance (OSWAP) loan is used or not.
    1. If yes, management method, otherwise not applicable
3. Timeline/ dates for:
  - a. Application
  - b. Percolation test and/or soils analysis
  - c. permit approval
  - d. installation and final inspection
  - e. other inspection dates
  - f. NPDES testing

g. OSWAP management dates

**Contract Deliverables**

The contractor will provide a business plan to the Department that includes the design and implementation strategy for an Onsite Wastewater Treatment Systems Database. The business plan provided shall address, but not be limited to, the following:

1. Outline the rationale for the business plan including current and future needs
2. Stakeholders requirements model with definitions
3. Data storage and processing requirements; operating system and hardware requirements
4. System architecture including integration requirements for existing county and lab systems
5. A format for the input of new data
6. Data input requirements from external sources including input forms and system security
7. Data retrieval and handling requirements defining queries and reports
8. Data access description by Department personnel, county personnel and the public including certain rights and privileges
9. Potential Internet applications
10. Support and operations requirements
11. Budget including hardware, software, labor, expenses, training and deployment
12. Contractor will define deliverables for the next phase
13. A monthly report of progress towards delivery of the final report

We ask that you approve this contract.

*Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CLEAN WATER STATE REVOLVING LOAN FUND – 2005 INTENDED USE PLAN  
FOURTH QUARTER UPDATE**

Patti Cale-Finnegan, in the Water Quality Bureau presented the following item.

Commission approval of the fourth quarter update to the Clean Water State Revolving Fund Intended Use Plan (IUP) for 2005 is requested. The Commission approved the FY 2005 IUP in September 2004 and approved the third quarter update in January 2005.

The Fourth Quarter Update of the FY 2005 IUP includes the amended list of projects proposed to receive loan assistance through the Clean Water State Revolving Fund. Twenty-five projects totaling \$19.2M were added to the fundable list of projects for FY 2005 in the original IUP and the third quarter update. In this Fourth Quarter Update, we propose to add nine projects with loan requests totaling \$11.2M.

Since the original 2005 IUP was approved, 20 projects on the project priority list have signed binding loan agreements totaling \$21.6M. Currently, there is \$102.8M available for loans in the CWSRF, with loan requests totaling \$94.0M.

The IUP also includes four non-point source program set-asides. This Fourth Quarter Update to the IUP adds two new projects to the General Non-Point Source Program set-aside. While the EPC must approve all projects proposed under the General Non-Point Source Program of the Clean Water State Revolving Fund, each of these projects include special considerations requiring EPC approval (per attached information sheets).

A public meeting was held on March 14, 2005, to allow opportunity for input on the proposed Fourth Quarter Update to the IUP. No oral comments were received. A letter in support of the City of Humeston/Rathbun Land and Water Alliance sponsor project was distributed.

#### GENERAL NON-POINT SOURCE PROGRAM Proposed Projects

**Project Title: Rathbun Lake Targeted Sub-Watersheds Sponsor Project – Maximizing the Water Quality Protection Benefits of the Clean Water State Revolving Fund**

**Project Owner:** City of Humeston and Rathbun Land and Water Alliance

**Project Description:** This project is being proposed as a pilot project to explore using sponsorship in the Clean Water State Revolving Fund. Project sponsorship, which has been implemented in other states' CWSRF programs and is approved by the U.S. Environmental Protection Agency, offers the opportunity to provide additional funding for non-point source pollution control.

The City of Humeston proposes to act as sponsor, through its pending wastewater facility project loan, for a non-point source project to be carried out by the Rathbun Land and Water Alliance. The goal of the proposed non-point source project is to accelerate the adoption of best management practices for priority land by landowners in three targeted sub-watersheds of the Rathbun Lake watershed. There are 10 communities (including Humeston), 857 farms, and 15,000 residents in the watershed, almost all of whom rely on Rathbun Lake for their drinking water.

Funds made available through the sponsored project will be used, in conjunction with other monies, to install terrace systems, grade stabilization basins, and water and sediment basins on priority lands which have been identified as sources of runoff that impairs the water quality of the lake.

**Loan Amount:** As shown in the diagram, under a traditional wastewater loan, the city borrows the principal and repays the principal plus interest. In this proposed sponsor project,

IDNR proposes to reduce the interest rate on Humeston's loan to 0%. Humeston will borrow the amount of principal plus interest and repay the entire amount. Instead of the interest amount being paid to the CWSRF, it will be provided for the non-point source project.

### Wastewater Facility Loan

<b>Borrow</b>	Project Amount \$168,000	
<b>Repay</b>	Principal \$168,000	3% Interest \$54,000

### Wastewater Facility Loan with Sponsorship

<b>Borrow</b>	Project Amount \$168,000	Sponsor Project \$54,000
<b>Repay</b>	Total Principal \$222,000	

On a 20-year, \$168,000 loan, the interest amount would be approximately \$54,000. The loan amount will be determined when the City of Humeston's wastewater facility loan is finalized.

**Special Considerations Requiring EPC Approval:** Chapter 92.6 (10) paragraph e. states that... "The commission may grant interest rate reductions or other favorable loan incentives to applicants that sponsor a project that improves impaired waters or restores the physical, chemical or biological integrity of receiving waters impacted by the wastewater treatment facility."

### Project Title: Ventura Cove Enhancement Project

**Project Owner:** Iowa Natural Heritage Foundation (INHF)

**Project Description:** The Ventura Cove Enhancement Project on Clear Lake is a cooperative project between the Iowa Department of Natural Resources and the INHF. The purpose of the project is to conserve natural lakeshore features, improve water quality, and create safer recreational opportunities. A conceptual plan has been developed of proposed enhancements to the area, including landscaped green space, public restrooms, information kiosk, removable dock, and parking area with stormwater filtration. The total cost of the Enhancement Project will be \$1,689,750.

In 2004 the INHF acquired a 25-acre woodland property. The Ventura Cove woodland represents one of the last stretches of undeveloped shoreline on Clear Lake. The four zones on the property include the lakeshore, an interior ridge, a wetland, and an oak knoll. The property will remain natural and protected with one built component, a biking/walking trail.



**Loan Amount:** The \$500,000 purchase of the woodland was facilitated with loans obtained at market rates by local IHNF members. The INHF is applying for General Non-Point Source Program funds to repay the existing loan at a lower interest rate. The savings from the reduced interest payments will be directed to actual project costs for the overall Ventura Cove enhancement effort.

**Special Considerations Requiring EPC Approval:** Chapter 92.13(5) paragraph e. states that... “Costs for the purchase of land are not eligible costs unless specifically approved by the commission when adopting the IUP.” EPC approval will allow DNR and the Iowa Finance Authority to facilitate a linked deposit loan to INHF through a participating lender.

**APPENDIX A**  
**WPCSRF FUNDS SOURCES AND USES**

<b>SOURCES:</b>		
	Prior Bond Proceeds	8,839,040
	Undisbursed Capitalization Grants	18,280,493
	Undisbursed OSWAF Cap Grant / Match	191,834
	Pending 2004 Capitalization Grant	17,936,523
	Pending State Match for 2003 Capitalization Grant	3,585,146
	Pending State Match for 2004 Capitalization Grant	3,587,305
	Equity Fund	90,060,047
	<b>TOTAL</b>	<b>142,480,388</b>
<b>USES:</b>		
	Construction Fund loans - undisbursed	5,887,083
	Construction Fund loans - uncommitted	9,803,402
	Equity Fund loans - undisbursed	25,102,582
	Equity Fund loans - uncommitted	92,964,122
	On-site Wastewater Assistance Loans	191,834
	Non-point Source Program Assistance	6,695,000
	Program Set-Asides/Administration	1,836,365
	<b>TOTAL</b>	<b>142,480,388</b>
	*Available for municipal loans:	102,767,524
	Loan needs through 2005 IUP:	93,960,000
	Excess/(Shortage):	8,807,524

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**APPENDIX B**  
**WPCSRF FY 05 SECTION 212**  
**PROJECT PRIORITY RANKING LIST**

<u>Added to IUP</u>	<u>Points</u>	<u>Project</u>	<u>Project Amount</u>
Segmented Projects	105	Eagle Grove 03	\$379,000
	105	Walford 02	\$487,000
Pre-April 1 Applicants	181	Hudson	\$606,000
	118	Sherrill	\$554,000
	101	Lester	\$374,000
	101	Rolfe	\$865,000
	96	Sutherland	\$901,000
	92	Victor	\$675,000
	93	George	\$1,120,000
Post-April 1 Applicants	185	Panora	\$350,000
	109	Corydon	\$654,000
		TOTAL Original FY 2005 IUP	\$6,965,000
Q3 Applicants	150	Hartley 02	\$432,000
	190	Toledo	\$1,587,000
	168	Camanche	\$467,000
	152	Ruthven	\$1,077,000
	149	Laurens	\$1,161,000
	111	Humeston	\$168,000
	99	Mount Ayr	\$2,250,000
	94	Williamsburg	\$855,000
	94	Sheffield	\$1,180,000
	93	Gowrie	\$1,424,000
	93	Primghar	\$620,000
	74	Arcadia	\$243,000
	63	Royal	\$301,000
	38	Milton	\$488,000
		TOTAL Third Quarter Update	\$12,253,000

Q4 Applicants	201	McCausland	\$828,000
	157	Lansing	\$2,423,000
	117	Oxford Junction	\$533,000
	88	Hubbard	\$840,000
	73	Ryan	\$581,000
	73	Olin	\$1,028,000
	73	Jones County	\$226,000
	71	Elliott	\$300,000
Segmented project		Eldora	\$4,400,000
		TOTAL Fourth Quarter Update	\$11,159,000
		TOTAL New FY 2005 IUP	\$30,377,000

March 23, 2005

Patti Cale-Finnegan  
State Revolving Fund Coordinator  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East Ninth  
Des Moines, Iowa 50319-0034

Dear Ms. Cale-Finnegan:

The purpose of this letter is to express Rathbun Regional Water Association's (RRWA) strong support for the Iowa Department of Natural Resources' (DNR) plans to pilot the development of a sponsorship project program through the Clean Water State Revolving Fund (SRF) as indicated in the proposed 2005 Intended Use Plan Fourth Quarter Update.

The DNR's willingness to explore the potential for SRF sponsorship projects to play an important role in addressing the need for funds to protect water resources in Iowa from non-point sources of pollution should be applauded. In the case of the Rathbun Lake Sponsor Project proposed in the Intended Use Plan Update, funds from the sponsor project will leverage other public and private sources of support that together will assist landowners to install best management practices in the Rathbun Lake watershed. These practices will help ensure that water quality in Rathbun Lake continues to satisfy the lake's many uses. Rathbun Lake is the source of water for RRWA's water treatment plant. RRWA supplies residents in 15 counties and 42 communities in Iowa and Missouri with potable water from Rathbun Lake. In addition, the water quality protection achieved with these practices will enhance the substantial outdoor recreational and wildlife habitat benefits provided by Rathbun Lake. We are confident that the success of the Rathbun Lake Sponsor Project will lead to numerous similar opportunities to protect water resources in Iowa.

We are aware that local residents in the City of Humeston and with the Rathbun Land and Water Alliance received outstanding assistance from you and your colleagues at the DNR to plan the proposed Rathbun Lake Sponsor Project. We would like to express our appreciation for your support of our efforts to protect Rathbun Lake. Please contact me with any questions or for more information regarding our support for the development of a sponsorship project program or the water quality protection efforts at Rathbun Lake.

Thank you for your time and consideration.

Sincerely,



John Glenn  
Executive Director

Duane Sands made a few comments mainly regarding the Clear Lake project. It is hard to determine how much money is/is not available in the SRF, but I want to tell you that you do have plenty of money and that should not be an issue of whether or not you accept the recommendations. If you want to confirm that you have lots of money, go to the Iowa Fainance Authority independent audit and note the SRF. There is money available. There is a potential conflict of interest from the drinking water utilities asking you not to spend wastewater treatment utility or clean water act money.

Patti Cale-Finnegan said that we are trying to look at all options to make sure that this program is more minimal and more customer friendly.

(A handout on Ventura Cove Enhancement Project was distributed to the Commission.)

*Motion was made by Terry Townsend to approve the Clean Water SRF – Intended Use Plan as presented. Seconded Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION: AIR QUALITY PROGRAM RULES CHAPTER 20 – ADDITION OF DEFINITIONS FOR BIODIESEL FUEL, DIESEL FUEL, NUMBER 1 FUEL OIL AND NUMBER 2 FUEL OIL**

Christine Paulson, Senior Environmental Specialist in the Air Quality Bureau presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 20 “Scope of Title-Definitions-Forms-Rules of Practice” of the 567 Iowa Administrative Code.

The proposed rule will amend Chapter 20 to add new definitions for “biodiesel fuel,” “diesel fuel,” “number 1 fuel oil” and “number 2 fuel oil.” This item was presented to the Commission last month in an information item. The only substantive change from the information item is the addition of a definition for “diesel fuel.”

Biodiesel is a renewable, biodegradable liquid fuel derived from agricultural plant oils or animal fats. The most common type of biodiesel used in Iowa is made from soybean oil. Number 1 and 2 fuel oils are two distillate oils that are commonly used in internal combustion engines, and are sometimes used in boilers and combustion turbines. Diesel fuel is a low sulfur fuel oil that is also frequently used in internal combustion engines. Fuel blends of up to 2.0 percent biodiesel, by volume, are widely available, and appear to be readily usable in most internal combustion engines.

Based on the available data, blends of diesel, number 1 fuel oil, or number 2 fuel oils with up to 2.0 percent biodiesel, by volume, are not expected to result in measurable increases in air pollution. The department will therefore define biodiesel blends at these specifications to be

equivalent to unblended diesel, number 1 fuel oil, and number 2 fuel oils. Additionally, the department will consider construction or operating permits with restrictions for diesel, number 1 or number 2 fuel oils to include this biodiesel/fuel oil blend.

This will provide a benefit to facilities that currently combust diesel fuel, number 1 or number 2 fuel oils and wish to consider using biodiesel/fuel oil blends because they will no longer be required to apply for modifications of construction permits to make this fuel change. If facilities wish to burn a biodiesel/fuel oil blend of greater than 2.0 percent biodiesel, by volume, emissions calculations and permits will need to be modified accordingly.

#### Background

The Iowa Association of Municipal Utilities (IAMU) approached the department with information that some municipal utilities were interested in burning biodiesel in their internal combustion engines. Because emissions information for burning biodiesel in large, stationary engines was limited, the department worked with IAMU and other interested parties during IAMUS's air emissions testing of biodiesel/diesel blends in two diesel generators at a municipal utility.

The testing was conducted at Sumner Municipal Light. The two air pollutants of concern were particulate matter (PM) and nitrogen oxide (NO<sub>x</sub>). The testing results showed that particulate emissions decreased with a ten percent biodiesel blend in both engines tested. NO<sub>x</sub> emissions decreased with a ten percent biodiesel blend in one of the engines tested, but increased in the other engine tested.

Using a ten percent biodiesel blend at Sumner resulted in about a ten percent increase in NO<sub>x</sub> emissions from the older engine. The newer engine showed a 13% NO<sub>x</sub> decrease. There is not sufficient information, however, to determine if engine age, or some other unknown factor, accounted for the disparity in NO<sub>x</sub> emissions.

It is known that new engines use electronically controlled fuel injection and intake air control, allowing for optimum fuel timing and air induction at all times, reducing combustion temperatures, and thus NO<sub>x</sub> production. While older engines use mechanical injection and fixed air induction, improved results should be achieved in older engines by adjusting the mechanical timing and optimizing fixed air induction.

Although this technology could allow for some newer engines or retrofitted older engines to achieve reduced NO<sub>x</sub> production, there is not enough emissions data currently available to allow the department to designate which engine years and models would qualify as "new" engines, or which engine years or models would be considered to be "old" engines.

Based on the limited testing data at Sumner, along with data from an EPA analysis of biodiesel emissions from mobile, heavy duty engines, it appears that NO<sub>x</sub> emissions increases are roughly linear to biodiesel concentration. That is, burning a five percent biodiesel blend in an internal combustion engine could produce roughly a five percent increase in NO<sub>x</sub> emissions. EPA's analysis of mobile engines did not find any correlation between engine model year and the emissions impacts from biodiesel.

Based on the information currently available, the department cannot consider the NO<sub>x</sub> emissions from combustion of biodiesel blends greater than 2.0 percent biodiesel, by volume, to be equivalent to burning unblended diesel, number 1 or 2 fuel oil. However, the department is receptive to proposing a rule amendment to allow a higher percentage biodiesel blend if a higher blend can be supported by emissions testing data.

The department will continue to work closely to assist facilities in calculating their emissions and expeditiously obtaining any needed permit amendments.

The department is aware that the Iowa Soybean Association is interested in discussing additional biodiesel emissions testing results. The department will confer with the Association on this issue and other aspects of this rulemaking during the public comment period.

If the Environmental Protection Commission approves this Notice of Intended Action, a public hearing will be held on June 14, 2005, at 1 PM at the department's Air Quality Bureau offices. The department will also hold an informational meeting for those with questions about the rule changes on June 7, 2005, at 1 PM at the department's Air Quality Bureau offices. The public comment period on the proposed rules will close on June 20, 2005.

Darrell Hanson asked if any research has been done on the 5% blend?

Christine Paulson said that the Iowa Soybean Association has indicated that they may have some additional data, but the department has not seen the data.

*Motion was made by Lori Glanzman to approve the NOIA – Chapter 20 as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING EXEMPTIONS)**

Jim McGraw, Environmental Program Supervisor in the Air Quality Bureau presented the following item.

The department will request permission to proceed with the rulemaking process and publish a notice of intended action to amend Chapter 22 "Controlling Pollution," of 567 Iowa Administrative Code. The purpose of this rulemaking is to list additional equipment and processes that, due to their low emissions of regulated air pollutants, are not required to obtain construction permits.

In January 2005, the department, with representatives from 10 Iowa industrial facilities, the Iowa Department of Economic Development, the University of Northern Iowa Air Emissions Assistance Program, and Region VII of the U.S. Environmental Protection Agency (EPA),



convened to draft a plan to specify how “indoor” sources of air pollution are addressed in construction permitting. “Indoor” sources are sources of air pollution that are not directly vented to the outside but have emissions that leave the building through doors, vents, or other means. The department has historically only required that equipment or processes at these sources be permitted if they were part of a significant project, or if the emissions were exhausted indoors in a manner that was intended to circumvent the requirement to obtain a construction permit. Based on the recommendations of the workgroup, the department is further clarifying through these rules which equipment or processes are exempted from the requirement to obtain a construction permit. The department believes that these rules do not represent a relaxation of air pollution permitting or control requirements but represent historical expectations for construction permitting.

These rules would allow the use of exemptions from construction permitting currently in administrative rule to be available for equipment and processes which are subject to a New Source Performance Standard (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP), or other applicable federal standards provided that a permit is not needed to create federally enforceable limits that restrict potential to emit. These rules would also add 11 more exemptions to the existing list of exemptions from the requirement to obtain a construction permit for equipment and processes with emissions that are expected to have little or no environmental or human health consequences. The 11 exemptions include:

- Certain “trivial” activities
- Direct fired fuel burning equipment
- Closed refrigeration systems
- Cleaning and phosphating
- Powder coating operations
- Certain production painting, adhesives, or coating units
- Production surface coating activities that use only non-refillable hand held aerosol cans
- Certain production welding equipment
- Soldering
- Pressurized piping and storage systems
- Emissions from the storage and mixing of paints, solvents, or flammable materials.

It should be noted that a proposed exemption for wet grain handling that was included in last month’s information item has been removed so that a more complete technical justification can be developed. The department plans to include this exemption in a later rulemaking once the technical justification is completed.

Technical justifications were prepared by the workgroup members to support the validity of exempting each of these equipment and processes from the requirement to obtain a construction permit. Additional safeguards were built into some of the exemptions to further protect human health and the environment as a result of the technical reviews. A final technical justification document can be viewed at [www.iowacleanair.com](http://www.iowacleanair.com).

An additional 23 equipment types or processes were identified by the workgroup for possible exemption from the requirement to obtain a construction permit. Due the complexity of some of the possible exemptions identified and time constraints on the workgroup, the workgroup agreed

to meet at a later date to begin work on technical justifications to support the additional exemptions. Any exemptions resulting from this additional work will be included in a future rulemaking.

If permission to proceed with this rulemaking is granted, a public hearing will be held at 1:00 p.m. on June 13, 2005, in the conference rooms of the department's Air Quality Bureau offices. A second public hearing will be held at 1 p.m. on June 16, 2005, in the Gritter Room of Iowa Hall at Kirkwood Community College in Cedar Rapids, Iowa. The close of the public comment period will be June 24, 2005.

*Motion was made by Lisa Davis Cook to approve the NOIA – Chapter 22 as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION - CHAPTER 23, CLARIFICATION REGARDING ORDINARY TRAVEL ON UNPAVED PUBLIC ROADS**

Christine Paulson, Senior Environmental Specialist in the Air Quality Bureau presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 23 "Emission Standards for Contaminants," of 567 Iowa Administrative Code. This item was presented to the Commission last month in an information item.

This rule is intended to clarify that ordinary travel on an unpaved public road includes routine traffic and road maintenance activities. Scarifying (grading), compacting, transporting road maintenance surfacing material, and scraping of the unpaved public road surface are considered to be road maintenance activities that are classified as ordinary travel.

Unpaved public road maintenance activities such as scarifying, compacting, transporting road maintenance surfacing material, and scraping are not continuous by nature and are normally of a short duration at a specific location. These activities usually do not generate particulate matter in quantities sufficient to be considered a nuisance or threaten public health. The department has historically treated these types of road maintenance activities as ordinary travel.

If permission is granted to proceed with this rulemaking, a public hearing will be held at 1 p.m. on June 15, 2005, in the conference rooms of the department's Air Quality Bureau offices. The public comment period will end on June 17, 2005.

*Motion was made by Francis Thicke to approve the NOIA – Chapter 23 as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT**

April, 2005

Proposal	Notice to Commission	Notice Publish	ARC #	Rules Review Committee	Hearing	Comment period	Final Summary to comm..	Rules Adopted	Rules Publish	ARC#	Rules Review Committee	Rule Effective
1. Ch. 20 – Addition of Definitions for Biodiesel Fuel, #1 Fuel oil and #2 Fuel Oil	4/18/05	*5/11/05		*6/06/05	*6/14/05	*6/20/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05
2. Ch. 20, 21, 22, 23 & 25 – AQ Program Rules; Updates, Revisions and Additions	2/21/05	3/16/05	4059B	4/05/05	*4/19/05	*4/25/05	*5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
3. Ch. 20, 22, 31 and 33 – Major New Source Review Rules	1/18/05	2/16/04	4005B	3/04/05	3/18, 23/05	3/25/05	*5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
4. Ch. 22												

– Special Requirements for Visibility Protection; Best Available Retrofit Technology (BART)	11/15/04	12/08/04	3871B	1/04/05	1/14/05	1/14/05	2/21/05	2/21/05	3/16/05	4061B	*4/01/05	*4/20/05
5. Ch. 22 – Air Construction Permitting Exemptions	4/18/05	*5/11/05		*6/06/05	*6/13, 16/05	*6/24/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05
6. Ch. 23 – Controlled Burning of Demolished Buildings	11/15/04	12/08/04	3872B	1/04/05	1/10/05	1/17/05	2/21/05	2/21/05	3/16/05	4063B	*4/01/05	*4/20/05
7. Ch. 23 – Clarification Regarding Ordinary Travel on Unpaved Public Roads	4/18/05	*5/11/05		*6/06/05	*6/15/05	*6/17/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05
8. Ch. 53 – Protected Water Source	1/18/05	2/16/05	4003B	3/04/05	3/10/05	3/17/05	*5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
9. Ch. 60, 63, 64 & 65 – CAFO Regulations	9/20/04	10/13/04	3736B	11/09/04	11/05/04	11/05/04	*5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
10. Ch. 65 – Definitions, Construction Permit Requirements, Master Matrix, Groundwater Determination	9/20/04	10/13/04	3735B	11/09/04	11/08/04	11/08/04	4/18/05	*4/18/05	*5/11/05		*6/06/05	*6/15/05
11. Ch. 65 – Open Feedlots – Engineering Standards	11/15/04	12/08/04	3873B	1/04/05	1/04/05 1/05/05 1/07/05	2/21/05	*5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/04
12. Ch. 65 – MMP Content Requirements; Phosphorous Index	1/18/05 10/18/04	2/16/05 11/10/04	4004B 3807B	3/04/05 12/14/04	3/08/05 12/03/04	3/08/05 12/03/04	4/18/05 1/18/05	*4/18/05 1/18/05	*5/11/05 2/16/05		*6/06/05 *3/02/05	*6/15/05 *3/25/05
13. Ch. 101 – Solid Waste Comprehensive Planning Requirements	2/21/05	3/16/05	4062B	4/05/05	4/06/05	4/06/05	*5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
14. Ch. 135 – Technical	*4/18/	*5/11/		*6/06/	*5/31/05 6/1, 2/05	*6/10/	*7/18/	*7/18/	*8/17/		*9/05/	*9/21/

Standards and Corrective Action Requirements for Owners and Operators of USTs	05	05		05		05	05	05	05		05	05
15. Ch. 136 – Financial Responsibility Requirements for USTs	*4/18/05	*5/11/05		*6/06/05	*5/31/05 6/1, 2/05	*6/10/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05

Iowa Department of Natural Resources  
Environmental Services Division  
Report of Manure Releases

During the period March 1, 2005, through March 31, 2005, 1 report of manure releases was forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)
November	9 (5)	2 (0)	4 (2)	1 (2)	2 (1)	6 (5)	2 (0)	0 (0)	1 (0)	1 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (1)	0 (0)	0 (0)	0 (1)	1 (0)	0 (1)	0 (0)	1 (0)	0 (0)	0 (0)
March	1 (5)	0 (1)	1 (0)	0 (0)	0 (3)	0 (4)	1 (0)	0 (0)	0 (0)	1 (1)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>28 (24)</b>	<b>2 (1)</b>	<b>13 (7)</b>	<b>7 (5)</b>	<b>0 (0)</b>	<b>21 (20)</b>	<b>5 (0)</b>	<b>1 (1)</b>	<b>1 (0)</b>	<b>4 (2)</b>

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
1	0	0	0	0	0

**DATE:** April 1, 2005

**TO:** EPC**FROM:** Ed Tormey**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Roger Holland; H & K Pony Express, Farmington (6)	Wastewater	Prohibited Discharge	Order/Penalty \$7,000	3/02/05
Denzel Edwards, Cass Co. (4)	Air Quality Solid Waste Hazardous Condition	Illegal Disposal; Open Burning; Failure to Notify	Consent Amendment	3/02/05
David Carlisle, Ringgold Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty \$3,500	3/04/05
Harold Wayne Linnaberry, Clinton Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty \$1,000	3/04/05
Colleen Weber, Mitchell Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,500	3/04/05
Dirk D. Graves, Glenwood (4)	Air Quality	Open Burning	Order/Penalty \$1,000	3/04/05
Craig Todd, Ida Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Operational Violations – Freeboard	Consent Order/Penalty \$10,000	3/04/05
Mark Hoeffling, Sac Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$3,000	3/04/05
Oak Hill Marina, Arnolds Park (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal; Asbestos	Consent Amendment	3/02/05
Patrick Jones, Dickinson Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$1,000	3/04/05
William Butterfield, Mason City (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	3/04/05
Reginald Parcel, Henry Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	3/04/05
Macedonia Implement Co., Pottawattamie Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	3/02/05
Fran Oil Co., Council Bluffs (4)	Underground Tank	Leak Detection; Record Keeping	Order/Penalty \$7,000	2/04/05
Fran Oil Co., Council Bluffs (4)	Underground Tank	Site Check	Order/Penalty \$3,000	2/04/05
Vernon Kinsinger, Kalona (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Amended Order	3/11/05
Martin Marietta Materials, Inc., Fort Dodge (2)	Solid Waste	Illegal Disposal	Consent Amendment	3/11/05
Stewart Construction, Inc.,	Air Quality	Open Burning; Illegal Disposal	Order/Penalty	3/11/05

# Environmental Protection Commission Minutes

April 2005

Rock Rapids (3)	Solid Waste			\$2,500	
Manning, City of (4)	Wastewater	Compliance Check		Consent Order/ Stipulated Penalties	3/02/05
Scott Antisdell, Carroll Co. (4)	Animal Operation	Feeding	Failure to Update Plan	Order/Penalty \$750	3/24/05
Gary Wedewer Farm, Delaware Co. (1)	Animal Operation	Feeding	Failure to Submit Plan	Consent Amendment \$1875	3/24/05
Martin Fender, Mills Co. (4)	Air Quality Solid Waste		Open Burning; Illegal Disposal	Order/Penalty \$1,000	3/24/05
H & H Trailer Co., Braddyville (4)	Air Quality		Operational Violations	Order/Penalty \$1,500	3/24/05
Timothy Irwin Bell and Tom Bell d/b/a Bell's Melons; Bradley T. Bell, Muscatine Co. (6)	Air Quality Solid Waste		Open Burning; Illegal Disposal	Order/Penalty \$3,000	3/24/05

## IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

**DATE:** April 1, 2005  
**TO:** Environmental Protection Commission  
**FROM:** Ed Tormey  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

AMOUNT	DUE DATE	NAME/LOCATION	PROGRAM		
		Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
		Dorchester Supper Club (Dorchester)	WS	100	3-08-00
		R & R Ranch (Osceola)	WW	10,000	8-30-00
		Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
		Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
		Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
		Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
		Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
		Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
		James Harter (Fairfield)	WW	1,800	8-01-01
		Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
#		Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
#		Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
		Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
		Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
		Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
		Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03

Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
William Hennessey (Linn Co.)	SW	2,000	5-07-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04
# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
*#Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	1,500	9-30-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
*#James Boller (Kalona)	AFO	4,750	11-30-03
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Verlyn & LeAnn VanRegenmorter (Sioux Co.)	AFO	2,610	8-25-04
The Filling Station (Glenwood)	WS	1,500	9-06-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
# C J Acres; Carl Schelling (Sioux Co.)	AFO	3,000	9-11-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Dennis Gailey (Moorland)	AQ/SW	6,400	9-18-04
Crest Country Inn (Iowa Co.) No. 2	WW	2,000	9-21-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04



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T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Del DeWulf (Cedar Co.)	AFO	1,500	11-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04
Crest Country Inn (Iowa Co.) No. 1	WW	1,000	12-11-04
# Kollasch Land & Livestock (Palo Alto Co.)	AFO	1,500	12-14-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
#*Dennis VanDerWeide (Sioux Co.)	AFO	1,500	1-01-05
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
# Koenen Dairy Inc.; Greg Koenen (Sioux Co.)	AFO	1,500	1-04-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-04
* Country Terrace Mobile Home Park (Ames)	WW	3,450	3-01-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
# Craig Todd (Ida Co.)	AFO	10,000	4-04-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	2,700	4-19-04
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
#*Miles McDougall (Plymouth Co.)	AFO	875	5-04-05
#*Gary DeBoer; G & S Farms (Lyon Co.)	AFO	500	6-01-05
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Country Fresh Eggs; Iowa Ag Excavating (Wright Co.) SEP	WW	1,500	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	-----
Kountry School LLC (Elkader)	WS	1,500	-----
Tyson Fresh Meats, Inc. (Storm Lake) SEP	WW	6,000	-----
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	-----
Pasco Storage Unlimited, Inc. (Stuart)	AQ/SW	1,000	-----
Delores Van Ohlen Trust (Hamilton Co.)	AQ/SW	3,000	-----
Roquette America, Inc. (Keokuk)	WW	10,000	-----
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112	-----
Fred Schoolcraft (Hancock Co.)	AQ/SW/WW	6,500	-----
# Dave Bomgaars (Sioux Co.)	AFO	2,500	-----
# Jim Dos (Black Hawk Co.)	AFO	3,000	-----
Roger Holland (Farmington)	WW	7,000	-----
David Carlisle (Ringgold Co.)	SW	3,500	-----
Harold Linnaberry (Clinton Co.)	SW	1,000	-----
Macedonia Implement Co. (Pottawattamie Co.)	AQ/SW	1,000	-----
William Butterfield (Mason City)	AQ/SW	3,000	-----
Reginald Parcel (Henry Co.)	AQ/SW	1,000	-----
Dirk Graves (Glenwood)	AQ	1,000	-----
# Mark Hoefling (Sac Co.)	AFO	3,000	-----
Vernon Kinsinger (Washington Co)	SW	8,130	-----
# Scott Antisdal (Carrol Co.)	AFO	750	-----
# Gary Wedewer Farm (Delaware Co.)	AFO	1,875	-----
Martin Fender (Mills Co.)	AQ/SW	1,000	-----
H & H Trailer Co. (Braddyville)	AQ	1,500	-----
Timothy Irwin Bell d/b/a Bell's Melons (Muscatine Co.)	AQ/SW	3,000	-----

**TOTAL 494,018**

The following cases have been referred to the Attorney General:

Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02

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Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
<b>TOTAL</b>		<b>212,720</b>	

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM	
	Dennis Malone & Joanne Malone (Morning Sun)	UT	600
	Dallas County Care Facility (Adel)	WW	2,500
	Richard Sprague (Tripoli)	AQ/SW	5,000
	Gerald and Judith Vens (Scott Co.)	FP	5,000
#	Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
#	Dan Witt (Clinton Co.)	AFO	3,000
	R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
	Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
	LeMars, City of	WW	10,000
	Dallas County Care Facility (Adel)	WW	5,000
	Robert Ward (Lee Co.)	WW	1,450
	Partners Four Investments, Inc. (Marble Rock)	UT	5,280
	William Habhab (Fort Dodge)	SW	1,500
	Kevin Wallerich (Keota)	SW/WW	500
#	Doug Wedemeyer (Adair Co.)	AFO	2,500
	Mt. Pleasant, City of	WW	500
	Richard and Charlotte Caves (Oskaloosa)	HC	10,000
	Clifton Clark (Moorhead)	AQ/SW	1,500
#	Kenneth Dahlhauser (Whittemore)	AFO	2,500
	Stanley Siems (Hardin Co.)	AQ/SW	7,500
	Schell Family Partnership (Boone Co.)	HC/SW	5,000
	River City Development; Russell Hardy (Mason City)	UT	2,480
	Chelsea, City of	WW	3,000
#	Glen Samuelson (Adams Co.)	AFO	1,000
#	Merrell Butler (Adams Co.)	AFO	1,000
#	Anthony Wendler (Emmet Co.)	AFO/SW	3,000
#	Doug Osweiler (South English)	AFO	5,000
#	Ray Slach (Cedar Co.)	AFO	3,000
#	Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
#	Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
#	New London Dairy; Steve Walter dba Walter & Sons Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	AFO/RWA	5,000
		WW	10,000
#	Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
#	D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
#	Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
	Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
#	Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
	Cedar Rapids, City of	WW	1,000
	Country Living MHP (Altoona)	WW	5,000
	Kent Kiburz (Humboldt Co.)	SW	2,500
	Strawberry Point, City of	WW	10,000

Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Regional Environmental Improvement Comm. Of Iowa Co.	SW	10,000
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	5,000
Lake Place (Clarion)	WS	500
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	5,000
# Allen Hoeper (Bremer Co.)	AFO	1,500
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Richard Juhl (Cass Co.)	AQ/SW	4,700
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Racer's Bar and Grill (Algona)	WS	1,000
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000

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# Chad Kooima (Sioux Co.)	AFO	1,500
Dr. Ed Cook (Cherokee Co.)	AQ	3,000
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
Environmental Solutions, Inc. (Mills Co.)	SW	10,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# Brad Dirksen (Plymouth Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
# Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
# David Meyer (Cedar Co.)	AFO	1,500
# P & W Egg Company, LC (Cass Co.)	AFO	3,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Garlen E. Perry; Paul ad Percilla Lattin (Shenandoah)	AQ/SW	8,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Acme Fuel & Material Co. (Muscatine)	AQ	7,000
Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# David Kistenmacher; Holstein Dairy (Holstein)	AFO	2,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
# Steve Grettenberg (Webster Co.)	AFO	1,000
James Brown; Brian Stickney (Oto)	AQ	3,500
# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Paul Rehder (O'Brien Co.)	AFO	3,000
# E & N Farms, Ltd. (Lyon Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500

Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Consolidated Energy Co. LLC (Whiting)	UT	6,000
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Jerome Loutsch (Plymouth Co.)	AQ	1,000
Lawler, City of	WW	3,000
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427
O-C Trailers, Inc. (Sioux Co.)	AQ/SW	2,000
# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000
James Karthan (Clarke Co.)	AQ	1,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500
# Ivan Kenney (Guthrie Co.)	AFO	3,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
# Patrick Jones (Dickinson Co.)	AFO	1,500
Fran Oil Co. (Council Bluffs)	UT	7,000
Fran Oil Co. (Council Bluffs)	UT	3,000
Iowa Oil Co.; HRV Petro; Two Holdings (Dubuque)	UT	6,300
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Stewart Construction Ltd. (Lyon Co.)	AQ/SW	2,500
<b>TOTAL</b>		<b>790,172</b>

The following administrative penalties were paid last month:

AMOUNT	NAME/LOCATION	PROGRAM	
# Michael Schroeder (Kossuth Co.)	AFO	1,500	
# Curt Tracy (Union Co.)	AFO	750	
# John C. Kelso (Worth Co.)	AFO	600	
# Gary Wedewer (Delaware Co.)	AFO	1,875	
Jerry Bravard (Boone)	WW	4,000	
# Craig Faber (Lyon Co.)	AFO	1,500	
# Blaine Schultz (Clayton Co.)	AFO	3,000	
#*Miles McDougall (Plymouth Co.)	AFO	125	
* Dennis Gailey (Moorland)	AQ/SW	1,200	
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	500	
* Country Terrace Mobile Home Park (Ames)	WW	110	
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100	
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	5,000	
# Emery Unruh (Mitchell Co.)	AFO	3,000	
# John C. Kelso (Worth Co.) (PAID IN FULL)	AFO	700	
#*Miles McDougall (Plymouth Co.)	AFO	125	

24,085

**TOTAL**

## Attorney General Referrals

Name, Location, Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Brewer, Cash Cherokee Co. (3)	<b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report Release	Order/Penalty	Referred Motion for Judgment Hearing Order (\$10,000/Admin.)	9/20/04 2/05/05 3/14/05 3/24/05
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)	<b>UPDATED</b>	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date	9/15/03 9/23/04 7/19/05
Carlson, Emer Henry Co. (6)	<b>UPDATED</b>	Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing	9/20/04 3/01/05 4/01/05
Crest Country Inn		Wastewater	Monitoring/Reporting	Order/Penalty	Referred	2/21/05
Ellis, Trent Calhoun Co. (3)	<b>UPDATED</b>	Solid Waste Air Quality Animal Feeding Operation	Illegal Disposal; Open Burning; Prohibited Discharge – Confinement	Order/Penalty	Referred Petition Filed Answer	8/16/04 2/25/05 3/21/05
Grain Processing Corp. Muscatine (6)		Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05
Handlos, Lawrence Audubon Co. (4)		Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 8/16/05
Hoffman, Matt Plymouth Co. (3)		Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred Petition Filed	8/16/04 2/23/05
Kelso, John C. Worth Co. (2)	<b>UPDATED</b>	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Motion for Judgment \$1,900 Admin. Penalty Paid	11/18/02 3/04/05 3/28/05
Leigh, Marsha Glenwood (4)	<b>UPDATED</b>	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	9/20/04 3/29/05
Mobile World LC		Air Quality	Illegal Disposal			

Camanche (6)	Solid Waste	Open Burning	Order/Penalty	Referred	8/16/04
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed	8/29/03
				DNR's Answer	9/25/03
				NICCW's Application for Stay	10/21/03
				NICCW's Brief for Stay	10/21/03
				DNR's Resistance	11/05/03
				DNR's Brief in Resistance	11/14/03
				Resistance	12/22/03
				Hearing on Motion	1/29/04
				Ruling Denying Stay	2/04/04
				NICCW's Motion to Reconsider	3/01/04
				DNR's Resistance	4/08/04
				Hearing on Motion to Reconsider	4/20/04
				Ruling Denying Motion to Reconsider	4/28/04
				NICCW's Application for Interlocutory Appeal	5/11/04
				DNR's Resistance to Interlocutory Appeal	6/08/04
				Supreme Court Order Denying NICCW's Appeal	
				NICCW's Motion for Summary Judgment	2/25/05
				Trial Date	2/27/06
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97
				Petition Filed	10/02/98
				Application for Temporary Injunction	2/04/99
				Temporary Injunction	4/19/99
				Temporary Injunction	9/13/00
				Trial Date	9/28/00
				Partial Judgment (Clean-up Order)	12/12/02
				Contempt Application	2/20/03
				Contempt Hearing Date	
				Contempt Finding and Civil Penalty	7/09/03
				(\$100,000 and 30 Days in Jail – Suspended until 7/8/03)	8/01/03
				Hearing Regarding	8/20/03
				Contempt Order Regarding	9/18/03
				Bond/Cleanup Deadline	4/16/04
				Bond Posted	12/10/04
				State Objections to Bond	
				Ruling Denying Objections to Bond	
				Status Hearing Date	
				Hearing on Motion to Extend Cleanup	



## Environmental Protection Commission Minutes

April 2005

					Deadline
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05
Schelling, Carl Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	10/18/04 1/27/05
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1) <b>UPDATED</b>	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Contempt Hearing Arrest Warrant Issued Contempt/Temporary Injunction Hearing	6/20/97 12/09/98 11/21/02 4/01/05 4/01/05 5/03/05
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred Criminal Charge in Federal Court Grand Jury Indictment	7/21/03 2/04 4/07/04
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Date	12/06/04 1/10/05 3/07/05
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh UST#8606990 Davenport (6) <b>UPDATED</b>	Underground Tank	Corrective Action; Failure to Report a Leak Release; Detection	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil Against Natural Petroleum, Inc.) Motion to Compel)	3/17/03 11/07/03 1/20/04 1/22/04 5/28/04 6/14/04 6/21/04 3/17/05

Order Granting Motion to  
Compel  
Order Granting Motion to  
Compel  
Consent Order, Judgment  
& Decree  
K & K (Permanent  
Injunction;  
\$1,000/Civil)  
Kushal Singh (Permanent  
Injunction;  
\$1,000/Civil)  
Wisconsin North  
(Permanent  
Injunction;  
\$10,000/Civil

Wisconsin North, LLC d/b/a  
National Petroleum Co.  
UST #8606997  
Clinton (6) **UPDATED**

Underground Failure to Initiate Referred to  
Tank Corrective Action-CDR Attorney General

Referred 10/21/02  
Petition Filed 11/07/03  
Motion for Default 1/20/04  
Judgment 3/16/04  
Default Judgment  
(\$100,000/Civil 5/28/04  
Against Natural 6/29/04  
Petroleum, Inc.) 3/16/05  
Motion to Compel  
Order Granting Motion to  
Compel  
Consent Order, Judgment  
& Decree  
Wisconsin North  
(Permanent  
Injunction;  
\$10,000/Civil

### Contested Cases

4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit. 3/04 – Status report requested from permit writer. 4/16/04 – Dept. letter to City attorney regarding settlement with copy of draft revised NPDES permit. 5/19/04 – Follow-up letter to City attorney regarding permit. 8/04 – To be set for hearing since no settlement achieved. 9/1/04 – FO4 letter to City regarding status of construction permit. Set for hearing for 12/16/04. Tentative agreement reached with City on terms of NPDES permit to be issued to resolve appeal. 11/04/04 – Settled. Final terms of draft NPDES permit agreed upon between City and Dept. Draft permit

						sent to City to be put on public notice. 11/10/04 – City placed draft NPDES permit on public notice. Hearing continued to 2/04/05. Once final permit is issued appeal can be closed. 2/10/05 – Final permit issued by Dept. Case closed.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Admin. Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	1/04- Letter to City attorney regarding compliance status. 3/29/04 – Proposed ordinance received regarding enforcement of pretreatment program from City's engineer. 4/1/04 – SEP proposal received from City. Meeting held 4/02/04 to discuss settlement. 5/04 – Further information received from City attorney. 1/05 – Tentative agreement reached on settlement.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed

						stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKN monitoring requirements.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/ WW	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/S W	Tack	Hearing set for 3/21/05.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/S W	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	<b>Order/Penalty</b>	AQ/S W	Tack	All tires have been removed. F.O. to do final inspection.
10/02/02	Sioux City, City of	3	<b>Permit Conditions</b>	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	<b>Order/Penalty</b>	SW/H C	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	<b>Order/Penalty</b>	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	<b>Order/Penalty</b>	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	<b>Order/Penalty</b>	AFO	Tack	9/30/04 – Proposed settlement agreement sent.
2/10/03	Doug Osweiler	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	<b>Order/Penalty</b>	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	<b>Order/Penalty</b>	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	<b>Order/Penalty</b>	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	<b>Order/Penalty</b>	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.

7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	<b>Order/Penalty</b>	AQ/S W	Tack	Partial site clean-up completed. Hearing rescheduled for 4/13/05.
8/12/03	Southern Waste Handling, Inc.	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	<b>Variance Denial</b>	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	<b>Order/Penalty</b>	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status.
9/02/03	Kent Kiburz	2	<b>Order/Penalty</b>	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	<b>Order/Penalty</b>	UT	Wornson	<b>Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch.</b>
9/05/03	Strawberry Point, City of	1	<b>Order/Penalty</b>	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved. SEP proposed.
10/08/03	TEGH, Inc. (03-UT-15)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	<b>Order/Penalty</b>	AQ/S W	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	<b>Amended Order</b>	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	<b>Order/Penalty</b>	AQ/S W	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	<b>Order/Penalty</b>	UT	Wornson	<b>Settlement agreement sent 3/2/04, and again 4/28/04, no return. Hearing set for 5/20/05.</b>
12/15/03	AGP (Emmetsburg)	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	<b>Order/Penalty</b>	WW	Preziosi *	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
<b>1/22/04</b>	Nestle Purina Pet Care	<b>1</b>	Permit Conditions	<b>AQ</b>	<b>Book</b>	<b>3/25/05 - Appeal withdrawn. Case closed.</b>
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	<b>Order/Penalty</b>	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	<b>Order/Penalty</b>	WS/ WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		<b>Order/Penalty</b>	UT	Wornson	<b>Sent letter with settlement deadline 2/14/05. Tier 2 completed. Set for hearing 4/26/05. Negotiating settlement prior to hearing.</b>
3/01/04	Shenandoah, City of	4	<b>Order/Penalty</b>	AQ/S W	Tack	Negotiating before filing.
3/04/04	Tim Trostel	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	<b>Order/Penalty</b>	WW	Hansen	6/04 – Dept. letter to City attorney

						regarding settlement.
3/15/04	Regional Environmental Improvement Commission of Iowa County	6	<b>Order/Penalty</b>	SW	Tack	Negotiating before filing.
3/16/04	Axtell Finishers; James Axtell	2	<b>Order/Penalty</b>	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/23/04	Michael and Keri Sickles	4	<b>Order/Penalty</b>	SW	Tack	Clean-up completed. \$750 settlement offer sent 6/29/04.
3/24/04	Lake Place	2	<b>Order/Penalty</b>	WS	Book	Unable to locate owner. Will continue to look.
4/02/04	LeMars, City of	3	<b>Order/Penalty</b>	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	<b>Permit Conditions</b>	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	<b>Order/Penalty</b>	WS	Clark	Negotiating before filing.
4/19/04	Richard Juhl	4	<b>Order/Penalty</b>	AQ/S W	Book	6/25/04 – Default entered.
4/19/04	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
4/26/04	Miles McDougal	3	<b>Order/Penalty</b>	AFO	Book	ALJ confirmed order with full penalty. Penalty plan in place and payments are on schedule.
5/03/04	Steven Grettenberg	2	<b>Order/Penalty</b>	AFO	Book	Settled. Consent amendment with producer for signature.
5/04/04	West Central Cooperative	4	<b>Permit Denial</b>	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
5/11/04	Williams Brothers Garage	4	<b>Order/Penalty</b>	WW/ SW/A Q	Tack	9/30/04 – Cleanup is underway.
5/12/04	Ag Processing, Inc.	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/12/04	Hunt Brothers; Chris Hunt	3	<b>Order/Penalty</b>	AFO	Book	<b>Requested hearing on 2/25/05.</b>
5/13/04	Allen Hoeper	1	<b>Order/Penalty</b>	AFO	Clark	10/26/04 – Dept. considering counter offer to Hoeper's settlement offer.
5/14/04	G & S Farms; Greg DeBoer	3	<b>Order/Penalty</b>	AFO	Book	Payment schedule in place and payments on schedule.
5/14/04	Rural Iowa Solid Waste Mgmt.	2	<b>Order/Penalty</b>	SW	Tack	Settlement meeting held 2/24/05. Negotiations continue.
5/18/04	Alton, City of	3	<b>Order/Penalty</b>	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	<b>Order/Penalty</b>	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	<b>Order/Penalty</b>	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	<b>Order/Penalty</b>	WS	Book	Waiting to hear from owner on possible settlement.
6/09/04	Kevin Miller	1	<b>Operation Permit</b>	WS	Hansen	<b>6/24/04 – FO1 letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance. 3/17/05 – FO 1 reports that WS does not want to pursue appeal and they are complying with permit. WS to furnish letter dismissing appeal.</b>
6/11/04	University of Iowa	6	<b>NPDES Permit</b>	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	<b>Order/Penalty</b>	WS	Hansen	<b>7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and engineering</b>

						<b>report submitted. Tentatively resolved. Hearing re-set for 6/23/05.</b>
6/18/04	CDI – Charles City	2	<b>Title V Permit Determination</b>	AQ	Preziosi	Negotiating before filing.
6/18/04	Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.	2	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/24/04	Jansma Cattle Co., Inc.	3	<b>Order/Penalty</b>	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/25/04	Steve Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/28/04	Michael Veenstra; Alan Veenstra	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
6/28/04	Marvin Bates	6	<b>Order/Penalty</b>	AQ/S W/W W	Tack	Compliance to be reviewed in 11/04.
6/29/04	Imperial Properties	5	<b>Order/Penalty</b>	UT	Wornson	<b>Negotiating penalty settlement. Set for hearing 6/06/05.</b>
7/16/04	Ed Cook	3	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
7/16/04	Dean Gettler	4	<b>Order/Penalty</b>	AFO	Book	<b>Requested hearing on 2/25/05.</b>
7/20/04	Chad Kooima	3	<b>Order/Penalty</b>	AFO	Book	<b>Requested hearing on 2/25/05.</b>
7/26/04	B & B Sandhill Swine	1	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/26/04	Randy Gergen	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/27/04	John Hansen Farms	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/02/04	James Vermeer	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/02/04	Dennis Rowenhorst	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/06/04	Eldora, City of	1	<b>Permit Conditions</b>	WW	Hansen	Negotiating before filing.
8/17/04	Harold Dekkers	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
<b>8/17/04</b>	<b>Gary Wedewer</b>	<b>1</b>	<b>Order/Penalty</b>	<b>AFO</b>	<b>Book</b>	<b>Settled. Penalty paid. Case closed.</b>
8/19/04	F.J. Krob & Co.	1	<b>Order/Penalty</b>	HC/ WW	Tack*	Negotiating before filing.
8/26/04	Jim Schmitz	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/30/04	Brad Dirksen	3	<b>Order/Penalty</b>	AFO	Book	<b>Requested hearing 2/25/05.</b>
8/30/04	Don and Bill Adam, Inc.	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/30/04	Ames, City of	5	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
9/01/04	Iowa State University	5	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	<b>Order/Penalty</b>	AFO	Book	<b>Requested hearing 2/25/05.</b>
9/10/04	Tschiggfrie Excavating Co.	1	<b>Order/Penalty</b>	WW	Tack	Negotiating before filing.
9/14/04	JK Farms, Inc.	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
9/14/04	Bill Schrock	6	<b>Order/Penalty</b>	WW/ SW	Tack	Negotiating before filing.
9/20/04	David Meyer	6	<b>Order/Penalty</b>	AFO	Book	<b>Requested hearing 2/25/05.</b>
9/21/04	P & W Egg Co.	4	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
9/29/04	EnviroBate	4	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
10/04/04	Rose M. Bartles	4	<b>Order/Penalty</b>	AQ/S W	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
10/08/04	Goose Lake, City of	6	<b>Order/Penalty</b>	WS	Hansen	Negotiating before filing.
10/12/04	Gary Hart	6	<b>Order/Penalty</b>	AQ/S W	Tack	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	<b>Permit Conditions</b>	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
10/14/04	Garlen Perry; Paula and Percilla Lattin	4	<b>Order/Penalty</b>	AQ/S W	Book	<b>Settled. Consent amendments awaiting signatures.</b>
10/19/04	Cedar Rapids, City of	1	<b>Order/Penalty</b>	WW	Hansen*	Negotiating before filing.
10/20/04	Jerry Bravard	5	<b>Order/Penalty</b>	WW	Tack	Settled for \$3,000. Awaiting penalty payment.
10/21/04	Eugene Kramer	1	<b>Permit Denial</b>	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
10/26/04	S & V Fence & Deck Co.	6	<b>Order/Penalty</b>	AQ	Book	<b>Meeting scheduled for 4/7/05.</b>
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	<b>Order/Penalty</b>	AFO	Tack	Negotiating before filing.
11/02/04	Mike Elsbernd	1	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
11/03/04	Patrick M. Pinney Contractors	3	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
11/03/04	Greg Vanden Bosch; G & T Eggs	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.

11/03/04	Leland Heisdorffer	6	Order/Penalty	AQ/S W/W W	Tack	Request for hearing sent 1/28/05.
11/05/04	Darrel Behrens; Kelly Behrens	3	Order/Penalty	AFO	Book	Negotiating before filing.
11/09/04	Donald Hopp	4	Order/Penalty	SW	Tack	Negotiating before filing.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
11/15/04	Acme Fuel & Materials	6	Order/Penalty	AQ	Book	<b>Settlement offer being reviewed by facility.</b>
11/19/04	Steve Bouchard	3	Order/Penalty	AFO	Book	Negotiating before filing.
11/22/04	Holstein Dairy	3	Order/Penalty	AFO	Book	<b>Settlement offer being reviewed by facility.</b>
11/30/04	James Brown	3	Order/Penalty	AQ	Book	<b>Meeting scheduled for 5/29/05.</b>
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Negotiating before filing.
12/06/04	O-C Trailers, Inc.	3	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
12/07/04	Crestview MHP	5	Order/Penalty	WW	Hansen	<b>Hearing set for 6/23/05.</b>
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/17/04	Greg Gerber	3	Order/Penalty	AFO	Book	Negotiating before filing.
1/03/05	Paul Rehder	3	Order/Penalty	AFO	Clark	Negotiating before filing.
1/04/05	Matt Gehling	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	Negotiating before filing.
1/06/05	E & N Farms	3	Order/Penalty	AFO	Clark	Negotiating before filing.
1/07/05	Wayne A. Staab	3	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	<b>Settlement meeting held 3/07/05. Follow-up regarding non-penalty issues and penalty settlement.</b>
1/19/05	Consolidated Energy	4	Order/Penalty	UT	Wornson	Negotiating before filing.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	<b>3/29/05 – City requested informal meeting prior to hearing.</b>
1/20/05	Monty Branstad	2	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
1/24/05	Jerome Loutsch	3	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/25/05	Jim Hawk Truck Trailers	6	Order/Penalty	UT	Wornson	Negotiating before filing.
1/31/05	James Karthan	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
2/03/05	Olsen Fuel Supply, Inc.	4	Order/Penalty	UT	Wornson	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/08/05	Crestview Mobile Home Park	5	Permit Conditions	WS	Hansen	<b>Hearing set for 6/24/05.</b>
2/14/05	Rick Halma	3	Order/Penalty	AFO	Book	Negotiating before filing.
2/15/05	Rock Valley Rural Water System	3	Permit Issuance	WR	Clark	Negotiating before filing.
2/16/05	Rick Nikkel	5	Order/Penalty	AFO	Book	Negotiating before filing.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/03/05	Ivan Kenney	4	Order/Penalty	AFO	Clark	New case.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/S W	Tack	New case.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	New case.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	New case.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	New case.
3/23/05	Patrick Jones	3	Order/Penalty	AFO	Book	New case.
3/25/05	Fran Oil Co. (2 AOs)	4	Order/Penalty	UT	Wornson	New case.
3/25/05	Genesis Two Holdings	1	Order/Penalty	UT	Wornson	New case.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	New case.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/S W	Tack	New case.
3/31/05	Stewart Construction, Inc.	3	Order/Penalty	AQ/S W	Tack	New case.



# Environmental Services Report of WW By-passes

During the period March 1, 2005 through March 31, 2005, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '04	8(8)	0.608	0.072	1	0(0)
May '04	9(9)	0.499	0.042	4	0(0)
June '04	7(6)	0.038	0.001	2	0(0)
July '04	3(5)	0.354	0.072	2	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

## Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
2	0	2	0	0	5

## Iowa Department of Natural Resources Environmental Services Division Report of Hazardous Conditions

During the period March 1, 2005, through March 31, 2005, 64 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri- chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	68 (70)	14 (9)	33 (42)	20 (19)	21 (20)	34 (39)	1 (1)	2 (1)	0 (1)	10 (8)
December	58 (51)	8 (10)	34 (29)	16 (12)	19 (21)	29 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	58 (44)	6 (7)	36 (25)	16 (12)	20 (9)	28 (32)	1 (2)	1 (0)	1 (1)	7 (0)

February	46 (41)	4 (5)	25 (20)	17 (16)	12 (13)	24 (24)	4 (1)	2 (1)	1 (0)	3 (2)
March	64 (71)	10 (9)	39 (38)	15 (24)	22 (21)	30 (47)	1 (0)	1 (1)	3 (0)	7 (2)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>346 (350)</b>	<b>44 (51)</b>	<b>196 (199)</b>	<b>105 (100)</b>	<b>111 (105)</b>	<b>172 (210)</b>	<b>12 (6)</b>	<b>10 (4)</b>	<b>5 (6)</b>	<b>36 (19)</b>

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

\*Other includes dumping, theft, vandalism and unknown

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
12	6	5	9	18	14

<b>INFORMATIONAL ONLY</b>
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## GENERAL DISCUSSION

Donna Buell asked if the CAFO rules will be back next month?

Wayne Gieselman said that the rule will expire on us on May 6<sup>th</sup> or 7<sup>th</sup>, because under the Iowa rule making authority, we have 180 days from the last public hearing to have a final rule. Due to the court case, that's the best way to deal with it. However, one thing that was made clear through the last court decision is that the livestock facilities that have discharged into the waters of the state, will have to have an NPDES permits. We will be coming back with a rulemaking package requiring facilities that have had a documented discharge to obtain a NPDES permit.

### Air Quality Monitoring

We have had three exceedences of the hydrogen sulfide standard that we put in place. Two were in the vicinity of 31-32 parts per billion (ppb). Both were at a site near Jewell, Iowa. Our standard is 30 ppb. We did have one reading that went to 144 ppb, that happened during land application close to our monitoring site at a separate location.

During public comment, land application of manure next to wells was addressed. Again, it may not be right or fair but the law of the state says you can go right to the casing of the well. There is no separation distance if your injecting manure; that applies to wells, sink holes, ag drainage and wells.

We will be looking into the Heaberlin site that was mentioned earlier today. I was not aware of the issue there. If it's a 2,400 head site, it does not need a permit. It does need a manure

management plan (MMP), which has to be on file with the county board of supervisors. It is available for public viewing for 30 days before an MMP is issued.

Land application of sewage sludge (HF 783)

Wayne Gieselmann said that this bill is currently in the Senate Ways and Means. It has passed out of the house.

Wayne Gieselmann mentioned the letter addressed to the Commissioners asking them to direct Mr. Vonk to do more investigation at the Robertson site regarding floodplain issues, common ownership/management and separation distances between two facilities and a water source. The department did send out a letter stating the final agency action on our findings and actions.

Francis Thicke asked the department to add the Robertson's Case to next month's agenda.

Jeff Vonk thanked the outgoing Commissioners for their dedication and service to the state of Iowa and presented plaques to Heidi Vittetoe, Lori Glanzman, Terry Townsend and Kathryn Murphy.

**NEXT MEETING DATES**

May 16, 2005

June 20, 2005

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 3:50 p.m., Monday, April 18, 2005.

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Jeffrey R. Vonk, Director

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Darrell Hanson, Chair

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Heidi Vittetoe, Secretary

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